

Plaintiffs' Exhibit C

BRIAN J. SCULLY 1/12/2023

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF LOUISIANA
3 MONROE DIVISION
4 - - - - - x
5 THE STATE OF MISSOURI :
6 et al., :
7 Plaintiffs, : No.
8 v. : 3:22-cv-01213-TAD-KDM
9 JOSEPH R. BIDEN, JR., :
10 et al., :
11 Defendants. :
12 - - - - - x

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Videotaped Deposition of BRIAN J. SCULLY
Thursday, January 12, 2023
9:06 a.m.

Job No.: 138046
Pages 1 through 376
Reported by: Cassandra E. Ellis, RPR

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1 Deposition of BRIAN J. SCULLY, held
2 pursuant to agreement, before Cassandra E. Ellis,
3 Certified Shorthand Reporter -- Hawaii #475,
4 Certified Court Reporter - Washington #3484,
5 Certified Shorthand Reporter - California -
6 #14448, Registered Professional Reporter #823848,
7 Certified Realtime Reporter, Realtime Systems
8 Administrator, and Notary Public of the District
9 of Columbia.

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1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: We are on the
3 record. Today's date is January 12th, 2023, and
4 the time is now 9:06 a.m. This is the video
5 recorded deposition of Brian Scully in the
6 matter of the State of Missouri, et al.,
7 plaintiff, versus Joseph R. Biden, Junior, et
8 al., defendants, Case Number
9 3:22-CV-01213-TAD-KDM in the United States
10 District Court for the Western District of
11 Louisiana, Monroe Division.

12 This deposition is being held via
13 Zoom.

14 The reporter's name is Cassandra
15 Ellis. My name is Robyn Ellis. I'm the legal
16 videographer. We are with Lexitas Legal.

17 Would the attorneys present please
18 introduce themselves and parties they represent.

19 MR. SAUER: John Sauer, from the
20 Missouri Attorney General's Office, on behalf of
21 the plaintiffs. And I'm joined by my colleague,
22 Todd Scott, who's in the room with the witness,
23 also of the Missouri Attorney General's Office.

24 MR. GARDNER: And this is Josh
25 Gardner, with the United States Department of

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1 Justice, on behalf of the defendants, and
2 witness does reserve the right to read and sign.

3 With me today is Jessica Nelson,
4 with CISA. Matt Fleischman, with the Department
5 of Homeland Security and Indraneel Sur, with my
6 office, the Department of Justice. We all
7 represent the defendants.

8 THE VIDEOGRAPHER: Would the court
9 reporter please swear in the witness.

10 (Witness sworn)

11 THE VIDEOGRAPHER: You may proceed.

12 BRIAN J. SCULLY

13 having been duly sworn, testified as follows:

14 EXAMINATION

15 BY MR. SAUER:

16 Q. Mr. Scully, could you please state
17 your full name for the record?

18 A. Sure. Brian Joseph Scully.

19 Q. How long -- or what is your current
20 job title?

21 A. Brand P for the MDM branch, at the
22 National Risk Management Center, which is part
23 of the Department of Homeland Security.

24 Q. How long have you had that
25 particular job?

1 A. Almost -- almost four years, I
2 started in January 2019.

3 **Q. What did you do before that?**

4 A. I was a deputy for the countering
5 and foreign influence task force, starting in
6 April-ish, April/May 2018.

7 **Q. And what was your -- what was your**
8 **job before that one?**

9 A. I was a director for policy and
10 strategy in the Office of Infrastructure
11 Protection.

12 **Q. Have you ever given a deposition**
13 **before?**

14 A. I have not.

15 **Q. So this is your first one?**

16 A. This is my first deposition.

17 **Q. Can I just go over some common**
18 **ground rules with you?**

19 First of all, obviously what you
20 and I say is being transcribed by the court
21 reporter, so can we make an effort not to talk
22 too fast?

23 A. Yep.

24 **Q. And could you give -- I saw you nod**
25 **your head there, and then you said yes. Could**

1 you try and give a verbal answer to my
2 questions, you know, don't rely on uh-huh or
3 uhn-uhn or head shaking as we go forward today.

4 A. Yes, I can do that.

5 Q. Can we make an effort not to
6 interrupt each other, because that results in a
7 kind of confused transcript.

8 A. Of course.

9 Q. Okay. And then can you make an
10 effort to listen carefully to the question that
11 I'm asking you, and respond to the question that
12 I ask, instead of discussing some other
13 tangential topic as the day goes forward?

14 A. Of course.

15 Q. And you understand --

16 A. Yes.

17 Q. You understand that at the end of
18 the day, if your attorney wants to ask you some
19 follow-up questions he may have the opportunity
20 to do that.

21 But when -- as I ask questions, I
22 would ask you to focus on the questions I'm
23 asking you, and respond to those; is that fair?

24 A. That's fair.

25 (Exhibit No. 61 was marked for

1 identification.)

2 BY MR. SAUER:

3 Q. Let me start by showing you an
4 exhibit, and I apologize, this exhibit is out of
5 numerical order already, so I'm e-mailing it to
6 your counsel right now. It's pre-marked Exhibit
7 61, but it will be the first exhibit we look at
8 today.

9 And I'm going to pull it up on the
10 screen share. Can you see that screen share?
11 I'm going to zoom in a little bit.

12 MR. GARDNER: Hey, John, it hasn't
13 come through yet, the e-mail, so it's just --
14 unfortunately, that's kind of far away, it's a
15 little challenging to see, but as soon as we get
16 your e-mail we'll pull it up.

17 MR. SAUER: You said you can't see
18 what's on the screen share if I zoom in?

19 MR. GARDNER: As you make it larger
20 it's easier, but I don't want to speak for what
21 the witness can and can't see.

22 THE WITNESS: Yeah, I can see it.

23 BY MR. SAUER:

24 Q. Okay. I'm happy to wait until it
25 arrives on the e-mail. I just want to make

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1 sure, because I think the day's going to go more
2 smoothly, if I can direct your attention to
3 stuff on the screen share.

4 So you can see the screen share,
5 sir?

6 A. Yes, I can.

7 Q. Okay. Just looking at the top of
8 this document, do you recognize it as an org
9 chart for August 2022, of a subdivision of CISA?

10 A. Yes.

11 Q. And what -- what -- are you
12 familiar with this org chart?

13 A. Somewhat familiar with it, yes.

14 Q. I just want to direct your
15 attention over here on the right side of the
16 page, you see here where it lists you as the
17 chief of the mis, dis and mal-information team?

18 A. Okay.

19 Q. Is that your job title?

20 A. Yes.

21 Q. Yeah, what, exactly -- generally
22 speaking, what do you do as the chief of the
23 mis, dis and mal-information team for CISA, the
24 Cyber Security and Infrastructure Security
25 Agency?

1 A. So I -- obviously I manage the
2 team, as a team lead. So I manage the staff,
3 set priority, things like that.

4 The purpose of the team is to build
5 national resilience to MDM, targeting critical
6 infrastructure.

7 **Q. Generally speaking, what kind of**
8 **activities are involved in building resilience**
9 **to critical infrastructure -- or sorry --**

10 A. We felt -- sure.

11 So principally what we do is
12 develop products for public awareness and
13 education or products for key stakeholders to
14 help them understand how MDM works and steps
15 they can take to mitigate the risks.

16 **Q. Do you do anything else, besides**
17 **developing products?**

18 A. We engage with different
19 stakeholders, civil society groups, obviously
20 other federal partners, private sector
21 organizations, and then we -- we do some
22 analysis of open source reporting, and we do --
23 obviously, you know, in 2020 we did some
24 switchboard work on behalf of election
25 officials.

1 Q. Switchboard work, what does that
2 mean?

3 A. It was essentially an audit
4 official to identify something on social media
5 they deemed to be disinformation aimed at their
6 jurisdiction. They could forward that to CISA
7 and CISA would share that with the appropriate
8 social media companies.

9 Q. And what was the purpose of sharing
10 it with social media companies?

11 A. Mostly for informational awareness
12 purposes, just to make sure that the social
13 media companies were aware of potential
14 disinformation.

15 Q. Was there an understanding that if
16 the social media platforms were aware of
17 disinformation that they might apply their
18 content moderation policies to it?

19 A. Yes. So the idea was that they
20 would make decision on the content that was
21 forwarded to them based on their policies.

22 Q. Whereas, if it hadn't been brought
23 to their attention then they obviously wouldn't
24 have moderated it as content; correct?

25 A. Yeah, I suppose that's true, as far

1 as I'm aware of it.

2 Q. Directing your attention to the org
3 chart again, can you -- I would sort of walk
4 through the people here on your team and ask
5 you, kind of who they are and what they do, so
6 starting on the right column, I see Lauren
7 Protentis on as the engagements lead; who is she
8 and what does she do for your team?

9 A. So she was -- she's a -- she's the
10 engagements lead. So her job was engaging with
11 key stakeholders, interagency partners, private
12 sector partners, essentially a majority of
13 our outreach and engagement efforts, she managed
14 those.

15 Q. Outreach and engagement to key
16 stakeholders, does that include social media
17 platforms?

18 A. It did, yeah.

19 Q. When you say: "It did," does she
20 still do this or does she no longer communicate
21 with social media platforms?

22 A. Well, she's on the -- she's been on
23 maternity leave since September, so she's --
24 she's not currently doing it, when she returns
25 to CISA that would be her role.

1 Q. Who's doing it while she's gone?

2 A. And she -- I'm sorry, could you
3 repeat that?

4 Q. Who's -- who's playing that role in
5 her absence?

6 A. I am.

7 Q. Okay. And so for the past, I
8 guess, three or four months you've served as
9 essentially the active engagements lead for the
10 MDM team?

11 A. Correct.

12 Q. And that goes back, I think you
13 said, to September of 2022; is that right?

14 A. Correct.

15 Q. When do you expect Ms. Protentis to
16 return?

17 A. Her maternity leave ends in a
18 couple of weeks, I believe the 23rd, potentially
19 being gone on a detail assignment, so probably
20 January 2024.

21 Q. Oh, so you don't expect her back
22 for another year, because of the detail?

23 A. Correct.

24 Q. Is the detail in -- relate to
25 anything having to do with mis, dis or

1 mal-information?

2 A. I believe that will be part of her
3 portfolio on the detail, yeah.

4 Q. Where is she going, if I may ask?

5 A. The National Security Council.

6 Q. And in her absence, you're serving
7 as the kind of person who directly communicates
8 with social media platforms, among other
9 stakeholders?

10 A. Correct.

11 Q. I should mention, you used the
12 shorthand earlier, MDM, and I assume it will
13 come up again today. When you use that, you're
14 referring to mis, dis and mal-information;
15 right?

16 A. Correct.

17 Q. I think sometimes CISA refers to MD
18 to refer to mis and disinformation; is that
19 right?

20 A. I'm not sure I've ever seen us use
21 MD, but that would be proactive in the context,
22 yeah.

23 Q. Turning your attention back to the
24 period from September of 2022 to the present,
25 what sorts of communications have you had with

1 **social media platforms in Ms. Protentis's stead?**

2 A. Two -- I would say two general
3 types of communications, one, we did regular
4 sync meetings between government and industry,
5 so federal partners and different social media
6 platforms. So it's just a coordinated meeting.

7 Facebook was the industry lead, so
8 I would have coordination calls with them prior
9 to the meetings, just to set the agenda for the
10 meetings, so that was one.

11 And then two, if a platform was
12 putting out a public statement -- or not public
13 statement -- public report on policies or
14 activities, we would often get a briefing on
15 that or at least get an awareness that it was
16 going out.

17 Those are the two main types of
18 communications.

19 **Q. Did you -- were you involved in the**
20 **last -- in the period since September 2022, and**
21 **have you been involved in flagging any**
22 **misinformation or disinformation issues for**
23 **social media platforms?**

24 A. No, not that we recall. We didn't
25 do switchboarding in 2022.

1 Q. So when was that decision made not
2 to do switchboarding in 2022?

3 A. I believe it was back in April that
4 that decision was made?

5 Q. Who made that decision?

6 A. April 2022.

7 Q. Was that early or late April, do
8 you know?

9 A. I don't. I don't recall.

10 Q. Who made that decision?

11 A. I -- I heard about it through Geoff
12 Hale, who is -- is a senior org chart would be
13 my supervisor. I believe he received that
14 guidance from the director, Director Easterly.

15 Q. So in -- some time around -- was
16 this late April?

17 A. Honestly, I don't recall. It's
18 even possible it was in May by the time -- my
19 memory's a little foggy on it -- but the
20 earliest it was is probably mid April.

21 Q. Do you know --

22 A. And it could have gone any time
23 into early May.

24 Q. So the earliest would have been
25 late April, but possibly early May is when that

1 **decision was made; correct?**

2 MR. GARDNER: Objection.

3 BY MR. SAUER:

4 **Q. Correct?**

5 MR. GARDNER: Sorry. Objection,
6 mischaracterizes the witness's previous
7 testimony.

8 A. Yeah, the earliest would have been
9 mid April --

10 **Q. The earliest would have been mid**
11 **April?**

12 A. -- probably.

13 **Q. Okay. And then possibly beginning**
14 **of May?**

15 A. Yeah.

16 **Q. And you said -- you called this**
17 **switchboarding.**

18 A. Mm-hmm.

19 **Q. Switchboarding refers to routing**
20 **particular disinformation concerns to social**
21 **media platforms so they can evaluate them under**
22 **the content modulation -- modulation policies;**
23 **correct?**

24 A. So switchboarding is CISA's role in
25 forwarding reporting received from election

1 officials, state/local election officials, to
2 social media platforms.

3 Q. CISA forwarded disinformation
4 concerns from many other sources, besides state
5 and local election officials, to social media
6 platforms?

7 A. I don't believe so, not that I
8 recall.

9 Q. Turning back to the two kinds of
10 interactions you had with social media
11 platforms, the last months since September of
12 2022, the first one you mentioned was, I
13 believe, a sync meeting between social media
14 platforms and the US government; correct?

15 A. Correct.

16 Q. How often did those occur?

17 A. They started as monthly, until, I
18 think, October. And then we did a couple of
19 biweekly, I believe two biweekly meetings --

20 Q. What was the purpose of the --

21 A. -- prior to the election.

22 Q. What was the purpose of these
23 meetings?

24 A. Generally speaking, from a CISA
25 perspective, we would -- we would provide kind

1 of -- we would try to educate the platforms on
2 how elections actually function, how they're
3 administered, potential threats to the election
4 administration, things like that.

5 So CISA's -- you know, has some
6 expertise in the election security space. So
7 our role in the meetings was generally to
8 provide kind of expertise on how elections
9 actually work to the platforms.

10 **Q. And you said that was your role.**

11 **Were there other federal agencies**
12 **involved in these meetings?**

13 A. There were, and -- and that role
14 was generally Geoff Hale. My role in the
15 meetings was generally to just oversee them,
16 facilitate the meetings.

17 Other agencies would provide
18 high-level reviews or strategic intelligence
19 briefs, if they had any -- anything to share
20 that was unclassified.

21 **Q. What sorts of -- first of all, what**
22 **agencies participated?**

23 A. DOJ, FBI, ODNI, and then DHS.

24 **Q. When you say DHS, was that just**
25 **CISA, you and Geoff Hale, or were there other**

1 **components of DHS involved?**

2 A. The Office of Intelligence and
3 Analysis of DHS also participated.

4 **Q. And that's called IA; is that**
5 **correct?**

6 A. Correct.

7 **Q. And what was -- what did they say**
8 **at these meetings, I&A?**

9 A. If they put out unclassified
10 reporting, under their normal mandate, they
11 would just talk about the reporting that they --
12 that they published, that was related to
13 election security.

14 **Q. What kind of reporting did they do,**
15 **is it about foreign influence or is it about**
16 **domestic threats, what kind of reporting do they**
17 **do?**

18 A. I'm not a hundred percent certain
19 of their -- their mission of authority. I
20 believe and recall what they talked about, they
21 certainly talked about foreign threats. I'm not
22 sure -- they may have also talked a little bit
23 about domestic terrorism threats, but I think
24 that -- but I'm not 100 percent certain.

25 **Q. Like what sorts of things are they**

1 saying to social media platforms, are they
2 saying, hey, you're going to see this kind of
3 content popping up on Facebook and Twitter and
4 so forth, and, you know, therefore, we want you
5 to be alert to it, what kind of -- what's the
6 purpose of giving them these briefings?

7 A. So generally speaking, it's hard
8 for me to speak directly to the I&A reporting
9 because, you know, I don't recall all the
10 details of it, but generally speaking, it was
11 more strategic-level. So high-level things that
12 they might be seeing, actors that might be
13 interested in undermining confidence in the
14 elections.

15 If they were seeing potential
16 domestic terrorism type threats, those sorts of
17 things, generally speaking, at least as long as
18 I recall, there was never any discussion of
19 specific content.

20 Q. Did they identify specific domestic
21 actors who they believed might try to undermine
22 confidence in election outcomes through social
23 media?

24 A. Not that I recall.

25 Q. Let me ask this: Who, on the

1 government side of these meetings, who
2 participates on behalf of -- who participated on
3 behalf of CISA?

4 A. Geoff Hale and myself were the
5 primaries, and then you might have others who
6 were in listen-only mode. So Kim Wyman, for
7 example, would sometimes be in listen-only mode.
8 Allison Snell would sometimes be essentially the
9 deputy or, slash, chief of staff of the --
10 underneath Geoff, she would sometimes be in
11 listen-only mode. And then obviously when
12 Lauren was pre-maternity leave she would also be
13 on.

14 Q. And then for I&A, who was on these
15 meetings?

16 A. In 2022, I believe Luke Beckman was
17 the lead. And then they would, depending on,
18 you know, what product they were briefing, they
19 would bring an analyst on, so those would
20 change.

21 Q. Do you remember any other human
22 beings, besides Luke Beckman, from I&A, who
23 participated in these meetings in the period of
24 time we're talking about, from September 2022 to
25 the present?

1 A. I don't know. Like I -- Luke was
2 the kind of principal lead, and who I coordinate
3 with, I don't recall the analysts' names that
4 they might have on there now.

5 **Q. What's his title?**

6 A. Honestly, I don't know. I believe
7 he's in the cyber mission center, but they are
8 odd up there, so I'm not entirely sure what his
9 title was, sorry.

10 **Q. You mentioned FBI had**
11 **representatives at these meetings; is that**
12 **right?**

13 A. Correct.

14 **Q. Who from FBI participated in these**
15 **meetings?**

16 A. I recall Laura Dehmlow, at least
17 one, and I forget who -- who the other folks
18 were.

19 **Q. How many FBI people?**

20 A. Generally, there would be one,
21 maybe two.

22 **Q. How about Elvis Chan, was he on**
23 **these meetings?**

24 A. Oh, good reminder. Thank you.
25 Yes, he would be on some of them,

1 as well. I forgot about Elvis.

2 Q. Do you remember anyone else,
3 besides him?

4 A. There would be, again, periodically
5 other people would be on from different parts of
6 FBI, but again, Laura was usually who we
7 coordinated through, and I don't really
8 remember -- I don't really remember the other
9 names, sorry.

10 Q. When you say Laura, that's Laura
11 Dehmlow is who you coordinated through?

12 A. Correct.

13 Q. When you say: You coordinated
14 through them, what kind of coordination did CISA
15 do with FBI as it pertained to these meetings?

16 A. Yeah, so basically coordinating
17 time and the logistics of the meeting, and then
18 two, if they had any particular agenda items
19 they wanted to raise, you know, when we were
20 putting together the agenda, I would just check
21 with them to see if they had any -- any
22 particular agenda items they wanted to raise.

23 Q. What sort of agenda items did they
24 raise?

25 A. I don't believe in the time I was

1 working, you know, in the timeframe we're
2 talking about, I don't believe that they raised
3 any.

4 **Q. Do you have -- how about before**
5 **that, when Ms. Protentis was still handling the**
6 **meetings?**

7 A. Not -- not that I recall. Yeah, I
8 don't -- I don't -- I don't recall, in
9 particular, yeah, sorry.

10 **Q. And I take it these meetings, we've**
11 **been talking about them in the period from last**
12 **September until now, but they're actually going**
13 **on intermittently, at least, for years; right?**

14 A. Yeah, so the first meeting we had
15 with -- between federal and -- and industry was
16 in 2018.

17 **Q. Yeah, we're talking -- we're now**
18 **kind of four years in, and then in terms of**
19 **their frequency I take it they -- they --**
20 **they're less frequent when you're further away**
21 **from election, and they become monthly as the**
22 **election gets closer, and then they become**
23 **weekly or biweekly, you know, within the last**
24 **month or so before an election; is that right?**

25 A. I would say 2018, 2019 they were

1 very infrequent, so we maybe did them quarterly
2 or less. And then sometime in 2020 we started
3 monthly. And then, like you said, as we got
4 closer to the election they would pick up. And
5 then after the election they would -- we would
6 spread them back out again.

7 But 2018 and 2019 was different
8 than 2020 and beyond.

9 Q. And is there a plan to have these
10 meetings continue in 2023?

11 A. Not currently.

12 Q. So you don't know -- you don't know
13 whether there's going to be quarterly meetings
14 or anything like that in 2023?

15 A. Correct.

16 Q. Who from DOJ was at these meetings?

17 A. Rodney Patton -- Patton.

18 Q. Anyone else?

19 A. No, not that I recall.

20 Q. How do you spell his last name?

21 A. I believe it's P-a-t-t-o-n.

22 Q. Like the general?

23 A. Yes.

24 Q. What -- what is his title at DOJ?

25 A. I don't know what his title is, but

1 I believe he's in the national security
2 division.

3 Q. Was national security division of
4 DOJ participating in these meetings leading up
5 to the 2020 election?

6 A. Yes.

7 Q. Who from NSD participated in those
8 meetings?

9 A. I believe it was Rodney, back then,
10 as well.

11 Q. Do you remember anyone else?

12 A. Adam Hickey may have jumped on a
13 couple.

14 Q. Is he also from the national
15 security division of DOJ?

16 A. I believe so, yeah.

17 Q. Is that H-i-c-k-e-y?

18 A. Yes.

19 Q. What, if anything, did DOJ say in
20 these meetings?

21 A. Generally speaking, they didn't say
22 anything. Yeah, I don't recall in 2022 or even
23 back in 2020 that they were -- were particularly
24 active in the meetings.

25 Q. Do you remember anyone from DOJ

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1 **saying anything at any point?**

2 A. I mean, I'm -- I'm sure they did,
3 but I don't recall.

4 **Q. Do you remember anyone from DOJ**
5 **ever, you know, putting an agenda items on the**
6 **calendar for these meetings?**

7 A. I don't, no.

8 **Q. How about ODNI, the Office of the**
9 **Director of National Intelligence, what human**
10 **being from there participated in these meetings**
11 **in 2022?**

12 A. Is it okay if I ask my attorneys a
13 quick question?

14 **Q. The question --**

15 MR. GARDNER: Is it about a
16 privilege?

17 THE WITNESS: Yeah.

18 MR. GARDNER: Yeah, John, if you
19 want him to answer that question we'll need to
20 recess quickly so he can consult with counsel
21 about these issues of privilege.

22 MR. SAUER: Let's go off the
23 record.

24 THE VIDEOGRAPHER: The time is now
25 9:32. We're off the record.

1 (Recess.)

2 THE VIDEOGRAPHER: The time is now
3 9:34. We're back on the record.

4 MR. GARDNER: And counsel, I will
5 instruct the witness not to answer that question
6 on the basis of the National Security Act, that
7 information is extraordinarily protected.

8 MR. SAUER: Before we proceed, I --
9 I'm announcing, for the record, that Mr. Kent
10 Capps, from the Missouri Attorney General's
11 Office joined the call on behalf of plaintiffs
12 in the last break.

13 BY MR. SAUER:

14 Q. Was there anyone -- how many
15 individuals from ODNI participated in these
16 meetings in 2022?

17 A. I believe there were two to three.

18 Q. Without telling me who they are, do
19 you remember who they are?

20 A. I remember one's name and one's
21 position, the second one's position.

22 Q. How about 2020, how many --

23 A. Again, it was -- it was three or
24 four.

25 Q. Do you remember who they were?

1 A. I remember the lead person's name.

2 Q. Did people from ODNI speak in these
3 meetings during 2022?

4 A. Yes.

5 Q. What did they say?

6 A. Again, generally speaking, if they
7 had some strategic intelligence, unclassified,
8 strategic intelligence reporting, they might
9 share a quick summary of that. It was fairly
10 limited in the timeframe from September
11 through -- through the election, though.

12 Q. Were you in the meetings prior to
13 September of 2022, when Ms. Protentis was still
14 at your team?

15 A. I joined several of them over the
16 summer, a couple -- couple of them over the
17 summer, prior to her departure. And that was
18 just the meetings, themselves, not necessarily
19 the coordination meetings prior to the actual
20 sync meetings.

21 Q. So the coordination meeting, is
22 that a bilateral meeting that happens between
23 CISA and Facebook?

24 A. Yes, CISA and Facebook, and then we
25 would do CISA with the interagency. We would

1 do -- federal interagency partners would do a
2 coordination meeting.

3 Q. That would be separate from the
4 meeting with Facebook?

5 A. Correct.

6 Q. Would there be two preparatory
7 meetings, one between CISA --

8 A. Generally, yes.

9 Q. One between --

10 A. Sorry.

11 Q. -- CISA and Facebook, and one
12 between CISA and other federal agencies?

13 A. Yes, that is correct.

14 Q. Turning back to what ODNI said at
15 these meetings in 2022, what do you remember,
16 more specifically, that they said? Did they
17 ever raise a specific threat advisory?

18 A. Not that I recall. I -- again,
19 generally speaking, it was -- it was -- I don't
20 recall specifics, so I'll just say that upfront.

21 And generally speaking, it was --
22 it was higher level, kind of strategic of what a
23 threat actor may be considering or thinking
24 about.

25 Q. And do they identify specific

1 **threat actors?**

2 A. Potential state actors, yeah, so
3 other countries.

4 **Q. How about domestic actors?**

5 A. No, not that I recall.

6 **Q. Did anyone on the US government**
7 **side, in these meetings, identify domestic**
8 **actors in the lead-up to the 2022 election?**

9 A. They -- they may identify domestic
10 actors, generally, but not -- to my
11 recollection, there's no mention of specific
12 actors, individuals, or groups that I recall.

13 **Q. What social media platforms**
14 **participated in these meetings?**

15 A. So obviously Facebook, Twitter,
16 Microsoft, Google, Reddit generally
17 participated, I believe sometimes LinkedIn would
18 join. They're a subsidiary of Microsoft, so
19 generally we worked through Microsoft. Those
20 are the ones that I recall.

21 I believe there are others, as
22 well, at different times, that maybe
23 participated in a meeting or two.

24 But from September 2022 to the
25 election, I think it was principally the five I

1 mentioned.

2 **Q. How about Wiki Media Foundation?**

3 A. I know they participated in some, I
4 don't know how frequently, and if it -- I don't
5 recall them participating from September on, but
6 it's possible.

7 **Q. Were concerns about misinformation**
8 **and disinformation on social media platforms**
9 **discussed in these meetings in the 2022**
10 **timeframe?**

11 A. Yes.

12 **Q. What -- what was -- what was said**
13 **about those concerns and by whom?**

14 A. Again, it was a more general
15 approach. So from a CISA MDM team perspective,
16 if we were developing any products we would
17 discuss those. We didn't -- we released, I
18 believe, two sets of products in that timeframe.

19 And in others, if there was the
20 intelligence community, if they're reporting
21 included foreign actors who were potentially
22 going to use information operations, they might
23 mention that in their briefings. But I don't
24 remember specific, you know, what the specifics
25 of every kind of mention were.

1 Q. But you --

2 A. And then the platforms -- sorry, to
3 give you both sides, that was just the
4 government side -- the platforms, they might
5 share some high-level trend information from
6 public reporting that they put out. So a lot of
7 the platforms do their own regular reports on
8 what they're seeing on their platforms and what
9 they're -- what actions they're taking. And so
10 the platforms, themselves, would share that type
11 of information.

12 Q. So they would report to the
13 government on what sorts of mis and
14 disinformation they were seeing on their
15 platforms and what content moderation actions
16 they were taking with respect to it?

17 A. So they would share essentially
18 what they were getting ready to make public or
19 what they had already made public. So they
20 would share kind of what they're seeing in their
21 public reports, and then potentially provide
22 some additional context around that.

23 So as I mentioned, most of the
24 platforms would put out regular public reporting
25 on what they were doing and what actions they

1 were taking. And so they would share that, and
2 if the government had questions or was looking
3 for additional context they would often talk
4 about that, they would generally talk about any
5 new tactics that they were seeing.

6 Most of what they -- my
7 recollections for the time period we're talking
8 about here, from September 2022 to the election
9 in 2022, I recall most of it was foreign based.

10 But, you know, when we -- often
11 what you see overseas essentially makes its way
12 to the United States. So they would share kind
13 of trends and tactics that they were seeing, but
14 again, it was all based on public reporting that
15 they put out.

16 **Q. And you say that this -- all these**
17 **things that they're doing all relate to**
18 **misinformation and disinformation on the**
19 **platforms; correct?**

20 A. They don't call it misinformation
21 or disinformation, generally, on the platforms.
22 They generally define it as coordinated
23 inauthentic behavior.

24 So they -- so -- so that's how they
25 would describe it. They wouldn't normally kind

1 of say misinformation or disinformation. And
2 they would each kind of define coordinated and
3 inauthentic behavior differently.

4 I don't -- so I don't know that
5 they would agree. I don't want to speak for the
6 platforms, obviously. I don't know if they
7 would agree that they were framing it as
8 misinformation or disinformation.

9 **Q. From the CISA MDM teams**
10 **perspective, is coordinated inauthentic behavior**
11 **typically a kind of mis and disinformation?**

12 A. It could lead to mis or
13 disinformation, for sure, yeah. But it's not
14 always mis or disinformation.

15 **Q. So the coordinated and inauthentic**
16 **behavior may be a source of mis or**
17 **disinformation of particular concern?**

18 A. It could be, yeah. It could be an
19 indicator.

20 **Q. Let me ask this: Turning back to**
21 **the org chart, that should be on the screen,**
22 **below Ms. Protentis, is Chad Josiah, who's**
23 **described as the resilience lead. What is his**
24 **role on your team?**

25 A. So he manages the production of our

1 products. So, you know, for putting out a fact
2 sheet or, for example, we have several graphic
3 novels that we've developed, he would work and
4 manage that process to get the products out, so
5 the review process, the drafting process, things
6 like that.

7 Q. These products you're referring to,
8 I take it those are written, publicly available
9 bulletins or other written work products
10 discussing disinformation and misinformation; is
11 that right?

12 A. Correct. All of our product are
13 available on our website.

14 Q. Below him is Alex Zaheer, analyst;
15 what does he do?

16 A. He's a more junior analyst. He
17 supports essentially across our three lines of
18 work. So he helps Chad on some, he helps Warren
19 on some of the engagement work, and then he
20 supports Rob Schaul, who leads our analysis work
21 in doing analysis activities, but he kind of
22 cuts across all three.

23 Q. And Rob Schaul is listed over there
24 on the left side as analysis and response lead;
25 correct?

1 A. Yes.

2 Q. What does he do?

3 A. So he does a couple things, so one,
4 he leads our engagement with international
5 partners; two, he builds relationships with the
6 research community, both in academia, across the
7 federal government, as well as in the private
8 sector; and then, three, he pulls that together
9 to identify new reporting or research about MDM
10 that might be of interest to the team; and then
11 the fourth bucket of it is he helps develop kind
12 of analytic type products.

13 So right now, for example, we're
14 working on a risk framework to help our
15 stakeholders understand how to determine if an
16 MDM campaign is a risk to them or not.

17 So he would help kind of on that
18 side of things.

19 Q. Okay. There was -- so he talks to
20 international partners; who are they?

21 A. It varies. Generally, all of our
22 engagements with international partners come
23 through the State Department or the CISA
24 international office.

25 We have engaged with NATO, G7 at

1 the kind of multilateral level, with the CFI,
2 counter foreign interference forum, that
3 includes several countries. And then we have
4 different bilateral engagements. A lot of
5 countries want to come and talk to us, and so
6 we'll do basically MDM 101 for different
7 countries at their request.

8 **Q. So this is both -- these are both**
9 **foreign governments and foreign nongovernmental**
10 **organizations?**

11 A. Yeah. I suppose if you consider
12 the multilateral organizations, like NATO and G7
13 as nongovernmental, but essentially we're only
14 talking to government -- foreign government
15 officials.

16 **Q. So the purpose of those discussions**
17 **is to, what, track misinformation that is**
18 **circulating in foreign countries that might come**
19 **to the United States?**

20 A. No, that's not the purpose of the
21 meetings.

22 **Q. Then what's the purpose?**

23 A. The purpose of the meetings is to
24 share information about -- from a CISA
25 perspective, share information about resilience

1 building. So there's some countries that are
2 much more mature and have been doing it for a
3 long time. So we try to learn from them kind of
4 what they're doing, what works, what doesn't
5 work.

6 So that's, again, from a CISA
7 perspective, that's primarily our engagement
8 with these groups.

9 **Q. And then you mentioned that**
10 **Mr. Schaul coordinates with academic and**
11 **research partners; is that correct?**

12 A. He doesn't coordinate, he builds
13 relationships with, so that we can -- you know,
14 if you have questions about reporting they put
15 out or public reports that they have, public
16 research, things like that, then we can have
17 conversations with them about that research.

18 **Q. Who -- who -- who -- who do you**
19 **have relationships like that with?**

20 A. We have relationships with a range
21 of different entities. So from an academic
22 standpoint, we've talked to folks at Harvard, at
23 Clemson, University of Washington, Stanford, I
24 believe we talked to people at Georgetown and
25 American University, Michigan University,

1 University of Michigan.

2 Essentially, if there's an academic
3 research that puts out a report that we think is
4 of interest, and kind of reflects our work, we
5 try to have conversations with them to try to
6 understand what their research findings are, and
7 in a non-profit stage, you know, the Alliance
8 For Securing Democracy, the Digital Frameworks
9 Research Lab -- sorry, for the court reporter, I
10 know I'm talking quickly. So, you know, groups
11 like that.

12 And then from a private sector
13 perspective we talk to groups like Graphika,
14 Alethia Group (phonetic), and organizations like
15 those, who, again, kind of do that sort of work,
16 mandates, you know, different organizations.

17 So again, the idea is to have a
18 relationship with them so if they put out some
19 reporting or some research publicly, that we can
20 set up a meeting and kind of learn more about
21 what they're seeing and what they're doing.

22 **Q. And has that kind of coordination**
23 **gone on not from the last year but before the**
24 **2020 election cycle?**

25 **A. Yeah.**

1 Q. And I think you mentioned a few
2 entities there that includes Stanford and the
3 University of Washington, Graphika; correct?

4 A. Correct.

5 Q. And all those organizations were --
6 were involved in something called Election
7 Integrity Partnership; right?

8 A. Yep.

9 Q. Yeah, what is the Election
10 Integrity Partnership?

11 A. I mean, it's a collaboration
12 amongst -- I believe in 2020 it's amongst those
13 four -- amongst four organizations, to -- to
14 better understand what was going on in the
15 information environment around elections.

16 Q. And you say were those four -- you
17 say those four organizations, I think I
18 mentioned three, Stanford, University of
19 Washington and Graphika, and was the Atlanta
20 Council involved in that?

21 A. Yeah, I believe the Digital
22 Forensic Research Lab was involved.

23 Q. And then were there other
24 collaborators, besides those four, on the
25 Election Integrity Partnership?

1 A. I think those were the official
2 members of the partnership. I -- I don't know
3 if you mean something different about
4 collaborators.

5 **Q. Well, let me ask this: Was CISA --**
6 **did CISA have any involvement in the Election**
7 **Integrity Partnership?**

8 A. Involvement in the sense that a
9 couple of our interns came up with the idea and
10 that we had some communications with them, yes.

11 **Q. What kinds of communications did**
12 **you have with them?**

13 A. So we received some briefings on
14 the work that they were doing. And then, like I
15 said, we had some interns that ended up working
16 on it. Those are principally -- principally the
17 communications.

18 We had some communications early on
19 in the process, when they were making decisions,
20 when Stanford was trying to figure out what the
21 gap was.

22 So yeah, so it was just general,
23 like you would have with any other research
24 organization.

25 **Q. So it was no different than the**

1 **communications you had with other research**
2 **organizations?**

3 A. I think the one difference, I would
4 say, is that we -- we probably connected them
5 with other -- so we connected them with the
6 Center For Internet Security, and we connected
7 them with some of the election official groups,
8 so the National Association of Secretaries of
9 State and the National Association of State
10 Election Directors, and then we facilitated some
11 meetings between those three.

12 **Q. Let me ask you this: You said you**
13 **had -- I take it you said some CISA interns came**
14 **up with the idea; is that right?**

15 A. Correct.

16 **Q. And who are those interns?**

17 A. I'm not going to give their names.

18 **Q. Who were those interns?**

19 A. Yeah, I'm not going to give those
20 names.

21 **Q. Who were -- you have no --**

22 A. The Stanford students -- Stanford
23 students have seen substantial amount of
24 harassment from public reporting. I'm not going
25 to include my interns in that.

1 Q. Are you -- you're declining to
2 answer the question without an instruction?

3 A. Correct.

4 Q. And you said those interns were
5 also involved in the Election Integrity
6 Partnership; correct?

7 A. I believe they worked for the
8 Stanford Internet Observatory, as well, so yes.

9 Q. And they were working for CISA and
10 Stanford Internet Observatory on the project?

11 A. When they came up with the idea,
12 they -- obviously they were just interns. After
13 their internships a couple of interns remained
14 as interns. Several others went back to
15 Stanford, as students, and did not remain as
16 interns. Two of the interns ended up working on
17 both in the fall; correct.

18 Q. You said two of the interns who
19 were CISA interns, in the fall of 2020, worked
20 on the Election Integrity Partnership; is that
21 right?

22 A. They worked at the Stanford
23 Internet Observatory, which was part of the
24 Partnership.

25 Q. Were there any other interactions

1 **between CISA and the Election Integrity**
2 **Partnership, that you're aware of?**

3 A. So just to say so we had some
4 initial conversation with the interns. We had a
5 conversation with the Stanford Internet
6 Observatory folks about the gap.

7 I believe we received a briefing
8 from them, or two, on kind of what they were
9 putting together.

10 We facilitated some meetings
11 between Stanford folks, the Center For Internet
12 Security, and election officials, where they had
13 discussions about how they would work together.

14 And then I -- I'm sure we had some
15 conversations, kind of throughout, when they
16 were -- particularly when they were putting out
17 public reporting about what they were seeing.

18 I wouldn't be surprised if there
19 were some other kind of brief conversations in
20 there, but I'm not recalling.

21 But those are generally the
22 categories of the conversations we had.

23 **Q. Did the Election Integrity**
24 **Partnership, or a similar collaboration of any**
25 **kind, operate during the 2022 election cycle?**

1 MR. GARDNER: Objection, vague.

2 BY MR. SAUER:

3 Q. You may answer.

4 A. So I believe the EIP did operate,
5 but I'm not -- I'm not certain what they did.

6 Q. How do you know they operated in
7 2022?

8 A. I believe they put out a public --
9 some public reporting.

10 Q. Did you have --

11 A. But I --

12 Q. Go ahead.

13 A. We did not have communications with
14 them. They gave us a briefing, early on, about
15 what they were thinking about, and that was the
16 extent of our communications with them on that
17 stuff.

18 Q. When did that briefing occur?

19 A. I believe it was May/June of 2022.

20 Q. Who was at that briefing on your
21 end, CISA?

22 A. On my end, it was me, I believe
23 Geoff Hale. Who else was in that? I think one
24 of our -- I think that may have been it, but
25 there might have been one other staff person

1 there, as well. But it was primarily Geoff Hale
2 and myself, that I recall.

3 **Q. Who was in the briefing on the EIP**
4 **side?**

5 A. Renée DiResta was the lead, and
6 then one of their staff, I believe his name was
7 John, but honestly I forget what his name is.

8 **Q. So just two people?**

9 A. That I recall, yeah.

10 **Q. What did they say in the briefing?**

11 A. Essentially, they just walked
12 through what their plans were for 2022, some of
13 the lessons learned from 2020, that was
14 essentially the gist of the conversation.

15 **Q. What were their plans for 2022?**

16 A. It sounded like they were going to
17 do something similar to what they did in 2020 in
18 terms of trying to support election officials.

19 **Q. Did they indicate that they were**
20 **coordinating with state and local election**
21 **officials?**

22 A. I think that was their goal with
23 the -- with the work with state and local
24 election officials. I'm not sure how they would
25 describe it.

1 Q. Sorry, I think you said this
2 earlier, and I can't remember.

3 When did this briefing occur, would
4 you say it was in May or June of 2022?

5 A. I believe it was around that
6 timeframe. My timeline recollections are awful,
7 so I apologize for that, but I think it was
8 around that timeline.

9 Q. Did you --

10 A. Things all blur together.

11 Q. Did they -- in fact, let me ask
12 you: Did they invite CISA to participate again?

13 A. No. CISA didn't -- I mean, I
14 wouldn't say CISA participated in 2020, so it
15 wouldn't have been again, so it would have been
16 participate for -- kind of for the first time.

17 Q. Did they invite CISA to have any
18 role, at all, in what they were doing?

19 A. Not that I recall.

20 Q. Why were they giving you a
21 briefing, then?

22 A. I think they should know our role
23 in the federal government for election security.
24 And we have, you know, an established
25 relationship with them. So I think they were

1 just going around and making sure -- again, I
2 don't -- I don't want to speak for them, but my
3 sense was that they were just kind of briefing
4 people who -- who were involved in election
5 security at the federal level.

6 Q. Do you -- do you know -- do you
7 have any knowledge of what they actually did,
8 after that briefing, during the 2022 election
9 cycle?

10 A. No. I know -- like I said, the
11 reason I -- I think they were operating was
12 there was a couple of public reports, one -- at
13 least one public report, that I recall, that I
14 thought was pretty good, but was it about
15 specific disinformation, it was basically how to
16 think about whether or not a narrative poses
17 risks.

18 As I mentioned earlier, we were
19 particularly interested in understanding how to
20 determine if MDM creates risk. And we thought
21 their products was pretty good on that.

22 Q. You used a phrase earlier, that I
23 did -- I passed over, and I didn't understand, a
24 specific gap that we were talking about putting
25 together the I&P in the first place. What's the

1 **gap that you're referring to?**

2 A. Sure. So we had a conversation
3 with the interns, and they were asking questions
4 about kind of needs that the election officials
5 have, generally.

6 One of the gaps that we identified
7 from 2018 is, as you know, most election
8 officials their offices are fairly low staff,
9 low resourced, and so there was no -- they
10 didn't have capabilities to try to identify
11 disinformation targeting their jurisdictions,
12 and so was essentially the gap is that most
13 election offices throughout the country just
14 didn't have that capacity or capability to be
15 monitoring so that they could identify anything
16 that would be potentially target their
17 jurisdictions, so that was the gap.

18 **Q. So the gap is that state and local**
19 **election officials don't -- just don't have the**
20 **bandwidth or capacity to monitor mis and**
21 **disinformation on social media that may affect**
22 **their jurisdictions; right?**

23 A. Correct.

24 **Q. And then I take it was it the**
25 **interns' idea that the Election Integrity**

1 **Partnership could be set up to kind of fill in**
2 **that gap, was that the idea?**

3 A. Again, I don't want to speak for
4 the interns. But at that point I don't think
5 they were necessarily thinking about more of a
6 partnership.

7 I think the conversation was more
8 along the lines of this may be something that
9 the Stanford Internet Observatory could look
10 into, and then I think they went back and talked
11 to their folks at the Stanford Internet
12 Observatory and the idea was formed from there.

13 So I don't think that was the
14 interns' initial thought was to have the EIP.

15 **Q. Was there discussions of having**
16 **CISA fill that gap, for example, by doing**
17 **routing disinformation concerns to social media**
18 **platforms?**

19 A. With the -- there's no conversation
20 with the interns about CISA filling the gap, no.

21 **Q. How about internally to CISA, did**
22 **CISA view itself as kind of helping fill that**
23 **gap by, you know, helping state and local**
24 **election officials addressing this mis and**
25 **disinformation concern?**

1 A. Our focus generally was not to play
2 that role, no. We -- we weren't looking to
3 identify -- monitor social media to share with
4 platforms.

5 **Q. You mentioned that you -- I think**
6 **you mentioned you put EIP in touch with CIS, the**
7 **Center For Internet Security; is that right?**

8 A. Correct.

9 **Q. What is the Center For Internet**
10 **Security.**

11 A. I don't -- I don't know how to
12 describe them. They're essentially, as I
13 understand it, they're non-profit that oversees
14 the multi-state ISAC and the election
15 infrastructure subsector information sharing and
16 analysis center, that's what ISAC stands for, so
17 that's my understanding of what they do. I
18 don't know what else they do. I know them in
19 those two contexts.

20 **Q. And those two contexts are**
21 **overseeing an ISAC, I-S-A-C, that involves**
22 **multiple states; is that right?**

23 A. Correct.

24 **Q. Now, and that's a -- basically a**
25 **sharing collaborative that they facilitate**

1 amongst state and local election officials; is
2 that right?

3 A. Yeah, it's a general woven artifact
4 is information sharing with the sector. So each
5 sector -- not each -- most sectors have their
6 own information sharing and analysis center.
7 They're independently stood up to serve those
8 sectors.

9 And so CIS was the one who was
10 responsible for kind of running the two that I
11 mentioned.

12 Q. I'm sorry, what were those two, can
13 you identify them again?

14 A. Sure. The multistate ISAC and the
15 election infrastructure subsector ISAC. And
16 just as a reminder of what ISAC is Information
17 Sharing and Analysis Center.

18 Q. And those are, I think, referred to
19 as the EI-ISAC and the MS-ISAC; is that right?

20 A. That's correct.

21 Q. And both of those, I take it,
22 involve basically information sharing amongst
23 state and local election officials; is that
24 right?

25 A. I believe only the election

1 infrastructure one is focussed on -- on election
2 officials. I believe the multistate one is
3 broader across state and local government, but
4 includes a broader set. I'm not sure if
5 election officials are involved in the
6 multistate.

7 **Q. Is the Center For Internet Security**
8 **funded, in part, by CISA?**

9 A. To the best of my knowledge, CISA
10 provides funding for the EI-ISAC.

11 **Q. Okay. And do you know how -- how**
12 **is that funding provided, is it grants or how is**
13 **it provided?**

14 A. I don't believe it's a grant, but
15 I'm not 100 percent certain what the -- what the
16 actual mechanism is, vehicle for the money to go
17 there.

18 **Q. But they're --**

19 A. My understanding is that it's
20 statutory, as well, but I could be wrong, also,
21 so I don't want to speak too much.

22 **Q. But you're aware that CISA does**
23 **provide funding for CIS to operate the EI-ISAC;**
24 **is that right?**

25 A. My understanding is that they

1 provide funding to the EI-ISAC. I don't know if
2 the goes -- if the EI-ISAC is an organization,
3 and the money goes to them or if the money goes
4 to CIS, and then they filter it down to the
5 EI-ISAC. I'm not sure how it works, in
6 practice.

7 Q. Does CIS operate the EI-ISAC, I
8 mean, does it kind of run it?

9 A. Yeah, that's essentially how I see
10 it, yeah.

11 Q. And then you say you put them in
12 touch, or CISA put the EIP in touch with CIS in
13 2020, do you remember that?

14 A. Yes.

15 Q. How did that happen?

16 A. So CISA's general position on -- on
17 the switchboarding role was that it wasn't a
18 role we necessarily wanted to play, because it's
19 very resource intensive. And so we had been
20 working with election officials to try to find
21 an alternate way for them to have that role,
22 somebody play that role.

23 They seemed to settle on the Center
24 For Internet Security. And so since the EIP was
25 working on the same mission, we wanted to make

1 sure that they were all connected.

2 **Q. And so the same mission, I take it,**
3 **is the switchboarding role that you've talked**
4 **about before?**

5 A. Correct.

6 **Q. Yeah, so I take it CISA was playing**
7 **a switchboarding role in 2020, but you mentioned**
8 **that that's resource intensive and it wasn't**
9 **something that you guys wanted to be principally**
10 **responsible for; right?**

11 A. Something we didn't want to be
12 responsible for, at all. But election officials
13 asked if we could continue serving in that role
14 until they kind of got something else set up.

15 **Q. And you did do that, right, in 2020**
16 **you mentioned earlier that CISA performed a**
17 **switchboarding function; right?**

18 A. Correct, in 2020.

19 **Q. And then Center For Internet**
20 **Security performs a switchboarding function,**
21 **too; is that right?**

22 A. Yeah. So yes, yes and no. So yes
23 in the sense they were receiving reporting
24 directly from election officials. In the early
25 part of 2020, they would forward what they were

1 receiving election officials to us at CISA, and
2 then we would push that to the social media
3 platform; as 2021 moved along, CIS more
4 frequently provided that directly to the
5 platforms, themselves.

6 And so I would say early on in the
7 process, the switchboarding generally came
8 through CISA. Later on in the process, it was
9 more of a mixed bag of how the switchboarding
10 worked.

11 **Q. And then did EIP play a**
12 **switchboarding role, too?**

13 A. I believe EIP did report stuff to
14 the platforms, themselves, yes.

15 **Q. And was there coordination between**
16 **the switchboarders, so to speak, CISA and EIP**
17 **and CIS?**

18 A. Most of the coordination was
19 between CISA and the Centers For Internet
20 Security.

21 There was a point where one of the
22 platforms was concerned about too much kind of
23 duplicate reporting coming in, and so we did
24 have some conversations with EIP and CIS on how
25 to kind of better manage that activity to make

1 sure we weren't overwhelming the platforms.

2 **Q. In other words, like Twitter or**
3 **Facebook would be hearing from CIS and CISA and**
4 **EIP about a disinformation concern; correct?**

5 A. Yeah. Generally speaking, yes,
6 I'll just leave it there, yes, that's correct.

7 **Q. And then --**

8 A. Twitter, in particular, reached out
9 to us and had some concerns about that.

10 **Q. And I take you talked to EIP and**
11 **talked to CIS about creating a more streamlined**
12 **process through the platforms?**

13 A. I don't think it was necessarily a
14 streamlined process. We just wanted to make
15 sure that there was -- that there was awareness
16 for the platform.

17 So I think, to be honest with you,
18 I don't recall how we ended up following this,
19 in practice. But I think it was just we would
20 let everybody know when we were setting
21 something up through CIS. We would let CIS
22 know, and I think CIS, through that
23 relationship, would like EIP know.

24 But I don't recall, specifically,
25 how we ended up kind of solving that problem.

1 Q. But at least there was, I guess,
2 kind of communication among CISA, the EIP, and
3 CIS about who was reporting various concerns in
4 an attempt to kind of de-duplicate what's being
5 sent to the social media platforms?

6 A. Yeah, I don't recall being directly
7 from CISA to EIP. Like I said, I think we
8 mostly worked it through CIS.

9 Q. Was there -- for example, was there
10 direct e-mail communication between EIP and
11 CISA?

12 A. I'm sure there was.

13 Q. I mean, was it your practice to
14 copy the CISA's -- or sorry -- the EIP's tips,
15 e-mail address when you were -- you or CIS was
16 reporting a disinformation concern to a social
17 media platform?

18 A. No, that was not standard practice.

19 Q. Did CIS do that?

20 A. I don't know. That's a good
21 question. I don't know.

22 Q. Why don't we --

23 A. Just to be clear, you're -- sorry,
24 just to be clear, you were asking if they were
25 sending EIP when they sent e-mail to social

1 media platforms; correct.

2 Q. Yeah.

3 A. Yeah, I'm not sure. Sorry.

4 Q. When -- when was EIP copied by CIS
5 or you on disinformation e-mails, if ever?

6 A. I don't believe we ever -- CISA
7 ever copied EIS on e-mails we sent to platforms.
8 I don't -- but where we were forwarding -- if we
9 were forwarding something we received from an
10 election official to the platform, I don't
11 believe CISA ever copied EIP, certainly not to
12 my recollection. It wasn't kind of our process.

13 I can't speak for the Center For
14 Internet Security. I don't -- I don't recall
15 who they were including on theirs.

16 Q. Did you notify EIP if you were
17 flagging a disinformation concern for a social
18 media platform in any way?

19 A. Not that I -- not directly, that I
20 recall. We would -- we would generally copy the
21 Center For Internet Security.

22 Q. Was it your understanding that they
23 were communicating with EIP?

24 A. CIS? Yeah, that was essentially
25 the -- their relationship was between those two,

1 yeah.

2 **Q. So in other words, you had the**
3 **understanding that CIS had a relationship of**
4 **communication and coordination with the Election**
5 **Integrity Partnership; right?**

6 A. Yes. Correct.

7 **Q. And then you would notify CIS if**
8 **you were reporting something to a social media**
9 **platform on the understanding that they were**
10 **coordinating with EIP on what was being**
11 **reported; correct?**

12 A. No. The reason we -- we would
13 coordinate with CIS was generally most of the
14 reporting we received from an election official
15 came through CIS. And so we just wanted to let
16 them know that we were -- we had set it up so
17 that they had awareness of kind of where the
18 report had gone. And so that was the rationale
19 for us coordinating with CIS.

20 **Q. And did you have the understanding**
21 **that CIS was coordinating with EIP on what was**
22 **being reported?**

23 A. I -- that would be speculating on
24 exactly what they were doing there. I'm not
25 sure.

1 Q. You didn't know what they were
2 doing?

3 A. I mean, I know they coordinated on
4 things. I don't know the full nature of what
5 they were coordinating on, I don't want to put
6 words in their mouth.

7 (Exhibit No. 1 was marked for
8 identification.)

9 MR. SAUER: Let's look at Exhibit
10 1. I've sent that to your counsel.

11 MR. GARDNER: Yeah, we've got it up
12 here.

13 BY MR. SAUER:

14 Q. Can you also see it on the screen
15 share?

16 A. Yes.

17 Q. Are you familiar with this
18 document?

19 A. Yes.

20 Q. In other words, is this the report
21 that the Election Integrity Partnership did in
22 2021, about its activities in the 2020 election?

23 A. Correct.

24 Q. Had you read it before or how did
25 it get on your attention?

1 A. Yeah, I've read portions of it
2 before, and some of the folks briefed us on it.

3 Q. Who are the folks that briefed you
4 on it?

5 A. Alex Stamos and Renée DiResta.

6 Q. When did that briefing occur?

7 A. I'm sorry, when or where?

8 Q. When did that briefing occur?

9 A. It was late spring, early summer
10 2021.

11 Q. This would have been around the
12 time that the report was released?

13 A. Yeah, sometime after that.

14 Q. And Alex Stamos is at Stanford
15 Internet Observatory; right?

16 A. Yes.

17 Q. Does he also serve on some CISA
18 committees or subcommittees?

19 A. I don't know.

20 Q. Renée DiResta, is she also at
21 Stanford -- Stanford Internet Observatory; is
22 that right?

23 A. Yes. Yes, last I checked.

24 Q. Do you remember what they said in
25 the briefing?

1 A. I think they just walked through
2 kind of what they did and how they did it,
3 explained what they kind of learned, how they
4 viewed some of the issues, things like that.

5 **Q. Who participated in the briefing,**
6 **other than you, for CISA?**

7 A. So I received a briefing when I was
8 at the National Security Council. So it was a
9 National Security Council colleague of mine,
10 Marybeth Foley (phonetic).

11 **Q. Did CISA receive a briefing?**

12 A. I don't know for certain.

13 **Q. Did you do -- I can't remember if**
14 **you said this -- did you do a detail on the**
15 **National Security Council in that timeframe?**

16 A. From January 2021 to March 2022 I
17 was on detail to the National Security Council.

18 **Q. Why did they report to the National**
19 **Security Council?**

20 MR. GARDNER: Objection, calls for
21 speculation.

22 BY MR. SAUER:

23 **Q. You may answer.**

24 A. Yeah, I don't know why.

25 **Q. I mean, were they reporting back to**

1 you because you had communicated with them back
2 in 2020 or was it a report to your agency?

3 MR. GARDNER: Objection, compound,
4 calls for speculation.

5 A. Yeah, again, I don't -- I don't
6 know why they -- why they wanted to brief us.

7 Q. Can you see the document on the
8 screen share?

9 A. Yep.

10 Q. Scrolling down here on the third
11 page of the document, they list the participants
12 here. Are these the same participants that you
13 talked about earlier?

14 A. Yeah.

15 Q. Yeah? And I think you mentioned
16 Stanford Internet Observatory includes Alex
17 Stamos and Renée DiResta; correct?

18 A. Yes.

19 Q. And then the University of
20 Washington, Center For an Informed Public, is
21 that where Dr. Kate Starbird works?

22 A. I believe so, yes.

23 Q. And is she also on a CISA
24 subcommittee? Actually, isn't she on the MDM
25 subcommittee for the CSAC?

1 A. I believe that's correct, yeah.

2 Q. And is she also involved in the
3 Election Integrity Partnership?

4 A. Yeah, that's my understanding.

5 Q. Jumping ahead just a tiny bit, past
6 the table of contents, here in the executive
7 summary, on page six, little Roman six, you see
8 here it says: Election Integrity Partnership
9 was formed to enable realtime information
10 exchange between election officials, government
11 agencies, civil society organizations, social
12 media platforms, the media, and the research
13 community; correct?

14 A. Yeah, I see that sentence.

15 Q. There's a reference to both
16 election officials and government agencies
17 engaging in realtime information exchange with
18 social media platforms; correct?

19 A. Yes.

20 Q. What -- do you know what government
21 agencies engaged in realtime information
22 exchange under the aegis of the EIP?

23 A. I don't know who they're referring
24 to.

25 Q. Did CISA do that, at all? Did CISA

1 **share information with EIP?**

2 A. Generally speaking, no.

3 **Q. How about more specifically, did**
4 **anyone at CISA share information with the EIP?**

5 A. I mean, that's very broad. Did we
6 share information? Can you be more specific
7 about what type of information you're asking
8 that we shared? We had conversations with them,
9 so in that sense we shared information. Is
10 there something in particular that you're asking
11 about?

12 **Q. Sure. What conversations did you**
13 **have with them? I know you summarized them**
14 **earlier, can you be more specific?**

15 A. Yeah, I mean, I think that summary
16 actually is -- is probably as specific as I can
17 get. Like I said, we -- we had conversations
18 with Stanford about the gap. They gave us some
19 briefings on what they were doing, how they were
20 doing it.

21 Prior to the election, we had some
22 conversations with them to facilitate and
23 coordinate meetings, as I mentioned. And then
24 when they put public reporting out, if we had
25 questions about it, we would probably have

1 conversations with them around that, as well.

2 **Q. Was there any communication from**
3 **government officials to EIP about specific**
4 **disinformation concerns?**

5 A. Not that I'm aware of, no.

6 **Q. Who at CISA was involved in any**
7 **interactions with the Election Integrity**
8 **Partnership?**

9 A. In addition to the two interns, the
10 primary interaction was myself and Matt
11 Masterson.

12 **Q. Are you aware of anyone else at**
13 **CISA communicating with them?**

14 A. It's possible, but I don't recall,
15 and it certainly wouldn't have been -- you know,
16 they would have just been part of a meeting with
17 either Matt or myself.

18 **Q. How about Lauren Protentis, did she**
19 **communicate?**

20 A. She wasn't part of the MDM team in
21 2020.

22 **Q. How about --**

23 A. So she would not have been
24 communicating them.

25 **Q. How about Geoff Hale?**

1 A. I -- I wouldn't be surprised if
2 Geoff was on some of the conversations, but I
3 don't recall -- I don't recall him
4 participating.

5 **Q. How about Director Easterly? I**
6 **guess she wasn't director back then. How about**
7 **Director Krebs?**

8 A. I believe Director Krebs had a
9 relationship with Alex Stamos. So he may have
10 had conversations in that context. I don't -- I
11 don't believe he had -- necessarily had
12 conversations in relation to EIP.

13 **Q. And then, in fact, when he left**
14 **CISA he joined Alex Stamos at the Stanford**
15 **Internet Observatory or he joined Alex Stamos in**
16 **some capacity, didn't he?**

17 A. I believe they started a business
18 together, yes.

19 **Q. Do you know what that business was?**

20 A. I'm sorry?

21 **Q. Do you know what that business was?**

22 A. I believe the name of it is
23 Krebs -- Krebs/Stamos Group.

24 **Q. Do you know what it does?**

25 A. I believe cyber security theft.

1 I'm not entirely sure.

2 Q. Does it do anything related to
3 misinformation and disinformation?

4 A. I don't know, if they do it hasn't
5 been something they've been promoting, that I'm
6 aware of.

7 Q. Are you aware of any communications
8 between Director Krebs -- Krebs and Alex Stamos
9 while he -- while Krebs was still director?

10 MR. GARDNER: Objection, vague.

11 A. Yeah, it's really vague.
12 Again what --

13 Q. Any communications is broad and not
14 vague.

15 I want to know if you have any
16 communications of any kind between Director
17 Krebs and Alex Stamos when Krebs was still
18 director of CISA?

19 MR. GARDNER: Same objection.

20 A. I believe they -- Director Krebs
21 may have participated in a couple of meetings
22 that I'm aware of, that Stamos was also in, but
23 beyond that I'm -- I'm not familiar with --
24 obviously not going to be familiar with Krebs's
25 direct communications with Stamos.

1 Q. What meetings were they both
2 involved in, if you recall?

3 A. So I can recall an event that
4 occurred out in Stanford, that Krebs spoke at
5 for the Stanford Internet Observatory, for
6 example. I believe the first government
7 industry sync Stamos was the Facebook lead, at
8 the time. This was before he went to Stanford
9 Internet Observatory, and Director Krebs
10 participated in that meeting, so meetings like
11 that.

12 Beyond that, I don't have a real
13 understanding of how they communicated with each
14 other.

15 Q. Was there any discussion of the
16 Election Integrity Partnership at the meetings
17 you're aware of?

18 A. Not that I'm aware of, no.

19 Q. Turning back to the screen share,
20 it talks about election officials, engaging in
21 realtime information sharing with social media
22 platforms, among others; do you see that?

23 A. Yeah, as part of that same
24 sentence, right; is that what you're referring
25 to?

1 Q. Yeah.

2 A. Yeah.

3 Q. Are you aware of state and local
4 election officials engaging in realtime
5 information sharing with the election
6 integrity -- you know, with social media
7 platforms through the Election Integrity
8 Partnership?

9 A. I -- I don't know the relationship
10 between EIP and election officials. I'm not
11 sure if they're referring to direct reporting to
12 them from election officials or if they're
13 referring to reporting through the Center for
14 Internet Security, I'm just not sure what
15 they're referring to there.

16 Q. How about through the Center For
17 Internet Security, was there election reporting
18 through them?

19 A. Yeah, so generally speaking, the
20 reporting that CISA received came through the
21 Center For Internet Security.

22 Q. Gotcha.

23 And how about -- did -- did --
24 as -- to the extent you understand, did EIP
25 receive reporting through the Center of Internet

1 **Security, you know, kind of from election**
2 **officials through the internet security to the**
3 **Election Integrity Partnership?**

4 MR. GARDNER: Objection, lack of
5 foundation.

6 BY MR. SAUER:

7 **Q. You may answer. Do you know if --**

8 A. Yeah, I -- I'm not -- I'm not sure
9 what their full relationship was and how they
10 were sharing, what the specifics were. It
11 wouldn't surprise me if CIS had shared some with
12 EIP, but I just don't know.

13 **Q. You mentioned Matt Masterson, and I**
14 **think you said that he was involved in briefing**
15 **with the EIP; is that correct?**

16 A. No. He was involved -- involved
17 in -- in conversations with Stanford Internet
18 Observatory. He probably -- generally, all of
19 our -- so just to take a step back, generally
20 our communications, when VIPs stood up, were
21 still at the Stanford Internet Observatory.

22 So the conversations I'm aware of
23 with Masterson were generally at the Stanford
24 Internet Observatory. He was also briefed -- I
25 seem to recall he was probably in some of the

1 briefings I was in or conversations when we had
2 questions about reporting that they did, public
3 reporting.

4 So I don't know how to kind of
5 thread the needle between, you know, when they
6 were just conversations with Stanford Internet
7 Observatory and when they would be considered
8 conversations with the EIP.

9 **Q. And that, I take it, you said**
10 **thread the needle, I take it that's kind of a**
11 **fuzzy distinction, because the EIP is a**
12 **collaboration that involves the Stanford**
13 **Internet Observatory; correct?**

14 A. Right.

15 **Q. Do you know -- do you know -- let**
16 **me ask you this: What discussions do you know**
17 **of between Matt Masterson and Stanford Internet**
18 **Observatory that related in any way to the EIP?**

19 A. I think it would have just been if
20 we had questions about public reporting.

21 **Q. What is --**

22 A. Kind of once they were up and
23 running.

24 So he was involved in some of the
25 conversations before, you know, the first couple

1 that I talked to about, kind of in our
2 engagement with Stanford Internet Observatory,
3 he was involved, I know, in at least one of the
4 conversations about that.

5 And then, after that, I don't think
6 he was particularly involved, but he may have
7 been involved, and we had some briefings for --
8 or not briefings, I don't think is the right
9 word, where we had conversations with them about
10 public reporting we put out.

11 **Q. When you say public reporting, what**
12 **do you mean?**

13 A. So the EIP put out regular kind of
14 blog posts, excuse me, regular blog posts on
15 what they were seeing, so -- so it was publicly
16 available information.

17 **Q. And -- and did you -- did they**
18 **discuss, you know, those blog posts with Matt**
19 **Masterson or you before they were posted?**

20 A. Not that I recall.

21 **Q. And what discussions did you have**
22 **with the public reporting?**

23 MR. SCOTT: John, just one second,
24 it looks like the video is frozen on our end.
25 Does it appear frozen on your end, as well.

1 MR. SAUER: I see a little
2 interference. Shall we go off the record?

3 THE WITNESS: There's interference
4 with the top and the bottom. I'm not seeing
5 that. Still, we can go off -- we can go off the
6 record and try to fix that.

7 MR. SAUER: Let's go off the
8 record.

9 THE VIDEOGRAPHER: The time is now
10 10:27. We are off the record.

11 (Recess.)

12 THE VIDEOGRAPHER: The time is now
13 10:40. We are back on the record.

14 BY MR. SAUER:

15 Q. Mr. Scully, I think we were talking
16 about Matt Masterson before we had the
17 technical -- technical difficulty.

18 Generally speaking, do you know
19 what role he had, if any, in originating the
20 concept for the Election Integrity Partnership?

21 A. So his primary role was the same as
22 mine, in terms of just clarifying the gap that
23 election officials faced for the folks at the
24 Stanford Internet Observatory early on in the
25 process.

1 Q. And is that something that you
2 discussed with the interns when they came up
3 with the idea? Did the interns come to you or
4 Mr. Masterson and talk about the gap?

5 A. I'm sorry, so are you referring
6 specifically to the gap?

7 Q. Yeah.

8 A. Yeah, so the gap came from our --
9 the gap came from myself.

10 Q. That was your idea, that there is a
11 gap, and you shared that with the interns?

12 A. I'm not sure I would say that was
13 my idea. That was -- that was just kind of from
14 lessons learned from 2018, I think across the
15 election community.

16 I don't know that I would say that
17 that was -- that was something that we came up
18 with on our own.

19 Q. Is that something you shared with
20 the interns?

21 A. It is something I shared with the
22 interns, correct.

23 Q. And then the interns came up with
24 the idea of putting together the Election
25 Integrity Partnership as a way of assisting

1 **state and local election authorities of filling**
2 **that gap; right?**

3 A. I don't -- I don't know what the
4 exact process was, essentially they identified
5 the gap. They went back and talked to the folks
6 at the Stanford Internet Observatory. And
7 somewhere in that sausage making process, along
8 the way, they decided that this partnership
9 would be the best approach to take.

10 **Q. In that timeframe, did they also**
11 **have discussions with you about putting together**
12 **something like this?**

13 A. I'm sure they mentioned it to us
14 somewhere along the line, that this was
15 something they were thinking about, but I
16 don't -- I don't know that it went beyond that.

17 **Q. How about Mr. Masterson, did they**
18 **discuss it with him?**

19 A. Again, I'm not familiar with all of
20 Matt's communications with these folks, but he
21 was in the meeting where we talked about the gap
22 with Stamos, in particular. And I believe
23 Stamos mentioned that as an option during that
24 call. I don't know if he had any other
25 conversations with them. I don't know about

1 that.

2 **Q. When did that meeting with Alex**
3 **Stamos occur?**

4 A. Sometime in the summer of 2020, it
5 would have -- yeah, I don't know. The exact
6 date would be hard for me to figure out, sorry.
7 Yeah, the interns -- sorry -- the interns
8 probably arrived in the May timeframe, so we
9 probably would have had had that conversation --
10 the initial conversation sometime in June. And
11 then probably Stamos, you know, a week or two
12 after that, so probably June/July, I would say.

13 **Q. Was Mr. Masterson in the meeting**
14 **where you discussed the gap with the interns?**

15 A. Not that I recall, no.

16 **Q. What did Mr. Stamos say in this**
17 **meeting you recall from the June to July**
18 **timeframe of 2020?**

19 A. Essentially, he just wanted to
20 confirm that we agreed with the interns that
21 this was a gap.

22 **Q. What -- what was said about the gap**
23 **in that meeting, that you remember?**

24 A. Yeah, it was basically along the
25 lines he just said, hey, the interns told me

1 that there's a gap for election officials where
2 most of them don't have the resources to do --
3 to identify disinformation that may be targeting
4 their jurisdictions, is that -- did the interns
5 give me that information correctly. He was
6 thinking about potentially doing something, and
7 he obviously didn't want to spend time and
8 resources doing something if there wasn't, in
9 fact, a gap.

10 **Q. How long did this meeting occur or**
11 **last, do you think?**

12 A. That's all of maybe 10 or 15
13 minutes.

14 **Q. Was there any other communications**
15 **with Mr. Stamos during this timeframe?**

16 MR. GARDNER: Objection, vague,
17 also calls for speculation.

18 BY MR. SAUER:

19 **Q. Do you remember any?**

20 A. So I don't recall any conversations
21 I had with him in that timeframe. I obviously
22 can't speak for Masterson.

23 **Q. Okay. Scroll ahead to page XII.**
24 **There's a thank you there for contributors, and**
25 **you see Kate Starbird is on that list; do you**

1 see that? You can look at the screen share.

2 A. Yes.

3 Q. You're there? Yeah, do you know --

4 A. Yeah, I got it.

5 Q. Do you know how she contributed to
6 the Election Integrity Partnership?

7 A. I don't.

8 Q. And I see Alex Stamos up here,
9 obviously kind of set the thing off; right? Do
10 you know how else he was involved?

11 A. I don't.

12 Q. Okay. Down here it says the
13 Election Integrity Partnership would like to
14 thank Matt Masterson for additional feedback; do
15 you see that?

16 A. I do.

17 Q. Do you know what feedback
18 Mr. Masterson provided to the Election Integrity
19 Partnership?

20 A. I don't.

21 Q. When did Mr. Masterson leave CISA
22 and go to Microsoft?

23 A. So Matt left CISA, I believe, in
24 January 2021. I don't think he started at
25 Microsoft until early 2022.

1 Q. Oh, do you know what he did in the
2 intervening year?

3 A. I believe he -- he worked -- he was
4 a fellow at the Stanford Internet Observatory.

5 Q. Oh, so he went from CISA to work
6 with Alex Stamos's group at the Stanford
7 Internet Observatory?

8 A. That's my understanding, yes.

9 Q. And Mr. Masterson is thanked here,
10 in this spring of 2021, I take it he was at the
11 Stanford Internet Observatory by then?

12 A. I don't know when he officially
13 started.

14 Q. I'm going to jump ahead to page 2
15 of the executive summary. So if you're
16 following on the PDF it would be the 20th page
17 of the PDF.

18 There's a discussion here where it
19 says: The initial idea for the partnership came
20 from four students that the Stanford Internet
21 Observatory funded to complete volunteer
22 internships at CISA; right?

23 A. Correct.

24 Q. Okay. You've declined to identify
25 them, early in your testimony. Do you know who

1 they are? Who are those four students? Do you
2 know who they are?

3 A. I know for certain who two are, I
4 believe I know who the third is, I'm unsure who
5 the fourth is.

6 Q. What -- what were they doing in
7 their internships for CISA at the time they
8 originated this idea?

9 A. They had different activities, so
10 they supported across the election security
11 initiative, broadly. So trying to think if I can
12 recall specific tasks that they had.

13 Q. And then, if you look to the next
14 two sentences, it talks about responsibilities
15 for election information security is divided
16 across government offices, and it goes on to say
17 that, yet, no government agency in the United
18 States has the explicit mandate to monitor and
19 correct election mis and disinformation;
20 correct?

21 A. I'm sorry, is that the next page?

22 Q. If you look at the screen share,
23 can you read that? I can zoom in, if that
24 helps.

25 MR. GARDNER: A few sentences below

1 where he was reading.

2 THE WITNESS: Okay. Got you.

3 BY MR. SAUER:

4 Q. So it says: Yet, no government
5 agency in the United States has the explicit
6 mandate to monitor and correct misinformation
7 and disinformation; correct?

8 A. Sorry, I'm just trying to read and
9 catch up.

10 Q. I'm just asking if you see where it
11 says that.

12 A. Yeah, I see where it says that.

13 Q. And it seems to me that they're
14 talking about a slightly different gap than the
15 one you talked about earlier; right? They're
16 saying there's a gap in federal government
17 authority to monitor and correct election mis
18 and disinformation, right, as opposed to a gap
19 among the capacity for state and local election
20 authorities to do it; right?

21 A. To be honest, I don't know what
22 they're referencing, so I don't -- I don't want
23 to speculate on what they're trying to say
24 there.

25 Q. Let me ask you this: Do you think

1 there's a gap in the authority of federal
2 government agencies to monitor and correct
3 election mis and disinformation?

4 MR. GARDNER: Objection to the
5 extent it calls for a legal conclusion.

6 BY MR. SAUER:

7 Q. Do you think that?

8 A. Yeah, I'm not a -- I'm not a
9 lawyer, I don't want to comment on the legal
10 authorities of the departmental agencies.

11 Q. I'm just asking whether you
12 think -- I'm not asking for your legal
13 conclusion, I'm asking whether you think there's
14 a gap in the authority of federal agencies that
15 makes them unable to monitor and correct mis and
16 disinformation?

17 MR. GARDNER: Same objection, calls
18 for a legal conclusion.

19 A. Yeah, by definition, an authority
20 is a legal determination I'm not comfortable
21 making.

22 Q. Let me ask you this: As a
23 practical matter, do you believe there's a gap
24 in the ability, as opposed to the authority, the
25 ability of federal government agencies to

1 **monitor and correct mis and disinformation?**

2 MR. GARDNER: Objection, vague.

3 BY MR. SAUER:

4 **Q. You may answer.**

5 A. Yeah, can you clarify exactly what
6 you're asking? I just want to make sure I
7 understand what you're trying to get at.

8 **Q. I'm using your word, a gap; right?**

9 A. Yes.

10 **Q. You just called it a gap, earlier,**
11 **and that's a practical word, it's not a legal**
12 **conclusion?**

13 A. Correct.

14 **Q. So I'm asking you, you talked about**
15 **a gap with respect to the capacities of state**
16 **and local election authorities; correct?**

17 A. That's correct, yeah.

18 **Q. Do you think there's a similar gap**
19 **with respect to the ability of federal**
20 **government agencies to respond to mis and**
21 **disinformation on social media?**

22 MR. GARDNER: Same objection,
23 vague.

24 A. I -- I think the federal government
25 certainly would have the capability, if it chose

1 to use it, and had the authority to do it.

2 Q. Do you think it hasn't chosen to
3 use that capability?

4 A. So generally speaking, I'm trying
5 to understand your question. So is there a gap
6 in the federal government's ability to, what, to
7 provide information on social media about what's
8 online on their platforms, is that what you're
9 asking?

10 Q. I'm asking if there was a gap in
11 the federal government's ability to, you know,
12 take any kind of action to correct mis and
13 disinformation on social media?

14 MR. GARDNER: Same objection, to
15 the extent it calls for a legal conclusion.

16 A. Yeah, I don't know that there's a
17 gap in the federal government's ability to do
18 it.

19 Q. Well, let me ask this: It goes on
20 to say -- let me ask you this: This notion that
21 the report says that no government agency in the
22 United States has the explicit mandate to
23 monitor and correct election mis and
24 disinformation, is that something that was
25 discussed with the CISA interns who originated

1 the EIP?

2 A. Not that I recall, no.

3 Q. Do you remember any discussions of
4 that with anyone else, suggesting that, you
5 know, there's no government agency in United
6 States with an explicit mandate to monitor and
7 correct election mis and disinformation?

8 A. No, not that I -- not that I
9 recall. It's possible, though.

10 Q. It goes on to say: This is
11 especially true for election disinformation that
12 originates from within the United States, which
13 would likely be excluded from law enforcement
14 action under the first amendment, is not
15 appropriate for study by intelligence agencies
16 restricted from operating in the United States;
17 connect?

18 A. That's what the sentence says, yes.

19 Q. Do you agree with that sentence?

20 MR. GARDNER: Objection, calls for
21 a legal conclusion.

22 BY MR. SAUER:

23 Q. Do you?

24 MR. GARDNER: Same objection.

25 A. I'm sorry, I'm reading the

1 sentence.

2 Yeah, this definitely gets into
3 legal authority stuff that I would not want to
4 comment on.

5 Q. And the next sentence says: As a
6 result, during the 2020 election local and state
7 election officials, who had a strong partner on
8 election system and overall cyber security
9 efforts in CISA, were without a clearinghouse
10 for assessing mis and disinformation targeting
11 their voting operations; correct?

12 A. Yeah, that's what this sentence
13 says.

14 Q. That, to me, sounds like it's
15 talking about the same gap you talked about
16 earlier, and that's state and local election
17 officials were without a clearinghouse for
18 assessing mis and disinformation targeting their
19 voting operations; right?

20 A. That's how I read that sentence,
21 yeah.

22 Q. Yeah, and I take it that this
23 report links that gap to gaps that they perceive
24 in federal authority; right?

25 MR. GARDNER: Objection, calls for

1 speculation.

2 A. Yeah, I don't want to speculate on
3 what they're trying to do there.

4 Q. Okay. Next sentence says:
5 Students approach SIO leadership in the early
6 summer, and in consultation with CISA and other
7 stakeholders a coalition was assembled with
8 like-minded partner institutions; do you see
9 that?

10 A. I do.

11 Q. What -- let me ask you this: It
12 says, in consultation with CISA, what
13 consultation with CISA do you recall relating to
14 the assembling of this coalition?

15 A. I don't recall any consultation
16 with relation to the assembly of the coalition.

17 Q. Well, you don't recall anyone
18 consulting with CISA about putting together the
19 Election Integrity Partnership?

20 MR. GARDNER: Objection,
21 mischaracterizes the witness's previous
22 testimony.

23 A. Yeah, so I don't recall any
24 consultation with us about who would be involved
25 in the -- in the EIP, who their members would be

1 or anything like that.

2 Q. Do you remember any consultation of
3 any kind about starting up the EIP in any
4 connection?

5 A. Just what I referred to earlier,
6 the conversations with the interns and the
7 conversation with Stamos about verifying the gap
8 existed.

9 Q. How about Mr. Masterson, is it
10 possible they consulted with him?

11 MR. GARDNER: Objection, calls for
12 speculation.

13 A. Yeah, I don't know what
14 conversations Matt had with them.

15 Q. Do you know whether he had any
16 conversations with them relating to the
17 commencement of the EIP?

18 A. I don't.

19 Q. And the next page of the document,
20 they provide an operational timeline; do you see
21 that?

22 A. I do.

23 Q. And here, the second entry in their
24 operational timeline, is -- I'm having trouble
25 highlighting -- it says: July 9th of 2020,

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1 meeting with CISA to present EIP concept; do you
2 see that?

3 A. Yep, I see that.

4 Q. Do you know what meeting that is
5 referring to?

6 A. I don't know specifically what
7 meeting that's referring to, no.

8 Q. Would that -- to your mind, would
9 that describe the 10 to 15 minute phone call you
10 had with Alex Stamos about the gap that you
11 talked about earlier? Would you have described
12 that phone call as a meeting with the EIP for
13 EIP to present -- for -- to present the EIP
14 concept to CISA?

15 A. That 10 to 15 minute phone call
16 only included Stamos, that I recall. So I don't
17 know that I would frame it as a meeting to
18 present the EIP concept.

19 As I mentioned earlier, he did kind
20 of raise the possibility of setting up some sort
21 of a partnership, during that call, so that
22 could be what his -- what his thinking was, but
23 I don't know what he's referring to there.

24 Q. What kind of a partnership did he
25 talk about in that call?

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1 A. He just said he thought he -- he
2 was thinking about potentially just getting
3 other -- other similar institutions involved.

4 I don't recall it -- I don't even
5 recall if he mentioned any names or not. I
6 think it was more of a generic, where he didn't
7 think Stanford could necessarily do it on its
8 own, and would consider kind of forming some
9 sort of partnership.

10 **Q. Did he talk about forming any kind**
11 **of partnership with CISA?**

12 A. No.

13 **Q. So he didn't ask CISA to play any**
14 **role in the concept he was putting together?**

15 A. No. Again, beyond -- sorry, just
16 to -- beyond what I've talked about earlier, you
17 know, I think he knew he would need us helping
18 him connect with election officials.

19 **Q. So he -- to the extent he -- okay.**
20 **So he was asking for your help in**
21 **connecting with election officials in that**
22 **meeting?**

23 A. I believe that was one of the asks,
24 but I don't -- it could have been then, it could
25 have been at another time, if that happened.

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1 Q. Is there a later conversation with
2 Mr. Stamos?

3 A. I don't recall, but that's what I
4 think there was a fifth call. But again, I
5 don't -- you know, this was several years ago,
6 and my memory's a little foggy on timelines and
7 everything that happened.

8 Q. But to the best of your
9 recollection, at some point he asked for CISA's
10 assistance in connecting with state and local
11 election officials; right?

12 A. Yeah.

13 Q. Is that when you put him in touch
14 with the Center For Internet Security?

15 A. I think they way initially put him
16 in touch with the National Association, so the
17 two I mentioned earlier, the National
18 Association of Secretary's of State, and the
19 National Association of State Election
20 Directors. I'm not entirely -- I don't recall
21 when, exactly, Center For Internet Security got
22 involved.

23 Q. At some point, did you put him --
24 put him in touch with CIS?

25 A. So we put the Stanford Internet

1 Observatory in touch with them. I forget if it
2 was Alex, himself, or if it was somebody from
3 the team there.

4 Q. So at some point you put them in
5 touch with CIS. And were you involved in
6 further communications with CIS and anyone at
7 EIP?

8 A. Yeah, so as I mentioned earlier, I
9 facilitated some meetings between them, involved
10 between them and election officials.

11 Q. What sort of -- can you unpack that
12 a little bit, you facilitated some meetings
13 between -- was that both EIP and CIS?

14 A. Right. So I facilitated meetings,
15 some meetings between EIP and CIS to make sure
16 that they were -- they didn't have relationship
17 before the -- they didn't know each other.

18 So we just facilitated getting them
19 together to talk and figure out how they were
20 going to work together.

21 Q. Got you. And who was at those
22 meetings from EIP?

23 A. I don't recall.

24 Q. How about CIS, who did you put them
25 in touch with at CIS?

1 A. I only recall the CIS person's
2 first name was Aaron. I'm blanking on his last
3 name, at this point. I suspect there were other
4 people from CIS on the call, as well, but he
5 was -- Aaron was my principal contact at CIS.
6 And that's Aaron, A-a-r-o-n.

7 **Q. And I take it the purpose of that**
8 **meeting was to set up a direct line of**
9 **communication between CIS and EIP?**

10 A. Correct.

11 **Q. And then did you mention that you**
12 **facilitated other meetings, for example, between**
13 **EIP and NASED or National Association of**
14 **Secretaries of State?**

15 A. Yeah, my recollection is that we
16 did facilitate. We put them in contact. I
17 don't -- I don't know if we were on the calls or
18 not, I don't recall, but -- but I seem to recall
19 we did put them in contact.

20 **Q. Okay. And specifically you mean**
21 **you put EIP --**

22 A. EIP in.

23 **Q. -- in contact with NASED and NASOS;**
24 **is that what it's called?**

25 A. Just NASS, but yes.

1 Q. Okay. And so, yeah, sorry, for
2 clarity, you put EIP in contact with both NASED
3 and NASS; correct?

4 A. And just to be clear, we put SIO
5 folks in contact with them.

6 Q. Okay.

7 A. But they were part of EIP, so
8 that's kind of the -- I don't know when EIP was
9 stood up in relation to the conversations,
10 because I don't really know when the
11 conversations occurred, either. So just so
12 you're clear, we worked through the SIO when we
13 made those connections.

14 Q. Got you. Do you remember who at
15 the SIO was involved in those connections?

16 A. I don't.

17 Q. And again, SIO is short for
18 Stanford Internet Observatory; correct?

19 A. Correct.

20 Q. Do you know, what was the timeframe
21 of those, you know, connections that you
22 facilitated with, you know, Stanford Internet
23 Observatory folks and CIS, NASED and NASS?

24 A. I don't know for certain, but I
25 would guess they were late July or August.

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1 Q. So this would have been around the
2 time that the EIP is kind of ramping up its
3 activities?

4 A. Yeah, I don't -- I mean, I don't
5 know when they were ramping up their activities,
6 but I would assume it was around that time.

7 Q. Let me scroll down, so you can see
8 this on the screen share, it's page 8. Is that
9 size on the screen share visible to you?

10 A. Somewhat.

11 Q. Do you see here on page 8 there's a
12 kind of graphic where the EIP report lists four
13 major stakeholders, government, civil society,
14 platforms and media; right?

15 A. Yep, I see that.

16 Q. You got an arrow from government, a
17 black arrow that flows from government to intake
18 queue; correct?

19 A. Yep.

20 Q. Do you know what that's referring
21 to, did the government -- do you know what
22 governments as stakeholders submitting
23 information for the intake queue for the EIP?

24 A. I don't know if, specifically, what
25 that's in reference to, no. I mean, I would

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1 think it was election officials, but I don't --
2 I don't know.

3 Q. How about CISA, would CISA ever
4 receive a report from election officials and
5 pass it along to EIP?

6 A. I don't recall us doing that. It
7 wasn't part of our process, and -- and we would
8 just send it to the platforms, ourselves, so I
9 don't know that we would send it to EIP.

10 Q. How about CIS, do you know if they
11 did that on behalf of state and local officials?

12 A. Did CIS forward messages that
13 election officials sent to them to EIP?

14 Q. Yeah, about disinformation.

15 A. I would think so, but I don't know
16 for certain.

17 Q. And you see there's a red arrow
18 down here at the bottom, from tier 3:
19 Mitigation, and then that flows back to
20 government.

21 Were you aware of EIP reporting
22 back to CISA about what happened with
23 disinformation or misinformation reports?

24 A. I don't recall that there was
25 communication when -- so just let me take a step

1 back. So you're asking if we were familiar with
2 when EIP would send reports to the platforms,
3 were we aware of that?

4 Q. Correct.

5 A. Generally speaking, we were not --
6 as far as I know we were not aware. I wouldn't
7 say generally.

8 As far as I'm aware, we were not in
9 the loop when they were communicating with
10 platforms.

11 Q. And I apologize, I split the screen
12 on screen share. Actually, stay with that
13 graphic for a minute. Up here in the corner, it
14 says, tier one: Detection intake. On-call data
15 gathering, triage, and response; do you see
16 that?

17 A. I do.

18 Q. Do you know how the Election
19 Integrity Partnership gathered data about what
20 was being said on social media in 2020?

21 A. I don't know the specifics of how
22 they did that, no.

23 Q. Did you have any understanding at
24 all, other than obviously receiving reports from
25 CIS, NASED and NASS?

1 A. My understanding was that they
2 monitored social media in some way.

3 Q. Yeah, do you have any idea how they
4 did it? I mean, there's different ways of doing
5 that, do you know how they did it?

6 A. I don't know what tools or
7 capabilities they used, no.

8 Q. Down here below the graphic, it
9 talks about tickets being submitted to the EIP,
10 it says tickets were submitted both by trusted
11 expert stakeholders detailed in section 1.4 on
12 page 11, an internal EIP analysts; correct?

13 A. Yes.

14 Q. Do you know who the trusted
15 external stakeholders were?

16 A. I don't.

17 Q. Do you know whether CISA, at least
18 EIP considered CISA a trusted external
19 stakeholder?

20 MR. GARDNER: Objection, calls for
21 separation.

22 BY MR. SAUER:

23 Q. Do you know.

24 A. I suspect if we scroll down to page
25 11 we'll find out who the stakeholders were.

1 Q. Good idea. So here at the bottom
2 of page 11, section 1.4, discussing external
3 stakeholders; do you see where we are?

4 A. Getting there. And 11, external
5 stakeholders. Yep.

6 Q. It says: The EIP serve as a
7 connector for many stakeholders, who both
8 provided inputs and received outputs; correct?

9 A. Yep.

10 Q. Okay. And then flipping to the
11 next page, 12, first sentence: External
12 stakeholders include government, civil society,
13 social media companies, and news media entities;
14 correct?

15 A. Correct.

16 Q. It says: Government and civil
17 society partners could create tickets or send
18 notes to EIP analysts; right?

19 A. That's what it says, yes.

20 Q. It goes on to say: They use these
21 procedures to flag incidents to be emerging
22 narratives to be assessed by EIP analysts;
23 correct?

24 A. That's what it says, correct.

25 Q. And do you know what government's

1 partners were creating tickets to flag incidents
2 or merging narratives to the EIP?

3 A. I don't.

4 Q. Immediately below that paragraph,
5 they mention some government officials; right?

6 A. Yep.

7 Q. Right there, it says: Four major
8 stakeholder groups in that graphic in the middle
9 of page 12; right?

10 A. Yep.

11 Q. And there's three that are listed
12 there; right?

13 A. Mm-hmm.

14 Q. There's Election Infrastructure
15 ISAC; right?

16 A. Correct.

17 Q. And that's the EI-ISAC that CISA
18 funds the Center For Internet Security to
19 operate; is that right?

20 A. Again, I don't know if the money
21 goes directly to the EI-ISAC. I don't know how
22 the money flows, but EI-ISAC is part of CIS and
23 we do fund the EI-ISAC.

24 Q. Yeah, and then the next one listed
25 is CISA?

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1 A. Mm-mmm.

2 Q. And the next one is listed as the
3 GEC; right?

4 A. Correct.

5 Q. So do you know why CISA is listed
6 there, why the EIP listed CISA as a major
7 stakeholder group in the EIP?

8 MR. GARDNER: Objection, calls for
9 speculation.

10 A. Yeah, I don't know why.

11 Q. Down at the bottom, it says: Four
12 major stakeholder groups that collaborated with
13 the EIP. Do you believe that CISA collaborated
14 with the EIP?

15 A. Did we have conversations with
16 representatives of the EIP? Yes. If that's
17 considered collaboration then I guess we
18 collaborated with the EIP.

19 Q. Tell me about those conversations.
20 I know you mentioned a couple of them or a few
21 of them, already. I take it those included a
22 call with Alex Stamos to talk about the gap;
23 right?

24 A. Yep.

25 Q. And it included facilitating

1 meetings between the EIP and NASED and NASS;
2 correct?

3 A. Yes.

4 Q. And it included in some -- I take
5 it, it included in some connection putting EIP
6 in touch with Center For Internet Security;
7 correct?

8 A. That's correct.

9 Q. And I take it were you kind of
10 putting them in touch with the EI-ISAC people
11 for the Centers For Internet Security?

12 A. I don't recall that we put them in
13 touch with the EI-ISAC people. We put them in
14 contact with CIS-specific people.

15 Q. And, in particular, I think you
16 mentioned someone called Aaron; is that right?

17 A. Yes, Aaron, Aaron, as far as I'm
18 aware, did not work for the EI-ISAC. He worked
19 just for CIS.

20 Q. What other conversations with
21 representatives of EIP do you recall, other than
22 those four we just listed?

23 A. As I mentioned earlier, I believe
24 we had some conversations when they put out
25 public reports. If we had any questions about

1 those public reports I believe we have had a
2 couple conversations about that.

3 **Q. Sorry, go ahead and finish.**

4 A. No, I think that's -- I think
5 that's it, that I recall.

6 **Q. Who was involved in those**
7 **conversations about the public reports?**

8 A. Again, it would likely be
9 Masterson, and then there probably would have
10 been some staff. So I don't know specifically,
11 but there would have been other election
12 security staff, and probably other MDM-specific
13 team staff. But I don't recall who,
14 specifically, it would have been. It could have
15 shifted, you know, based on who was available,
16 and things like that, so -- so I don't recall.

17 **Q. About how many conversations of**
18 **that nature, relating to public reports, do you**
19 **recall?**

20 A. To be honest, I don't recall any,
21 specifically. I just know that we had a few.
22 And so I -- I don't want to make up a number for
23 you, but it was -- it was probably somewhere
24 between two and four.

25 **Q. And were you on the two and four**

1 **conversations or did other people have them?**

2 A. I mean, those are the ones that I
3 recall, so those are the ones I would have been
4 on, I don't know if there are others that other
5 people from CISA would have been on, that I was
6 not.

7 **Q. Okay. What was discussed in the --**
8 **about their public reporting in the**
9 **conversations you were involved in?**

10 A. We would just ask questions about
11 tactics and things like that, what they were
12 seeing.

13 **Q. What kind of contacts would they**
14 **have?**

15 A. They were just fairly brief
16 conversations -- sorry -- they were just fairly
17 brief conversations, based on blog posts. So if
18 we had a question about jurisdiction being
19 targeted or a new tactic or things like that, we
20 would just ask them kind of questions about that
21 sort of thing.

22 **Q. And what -- when you said tactics,**
23 **those are kind of online tactics for spreading**
24 **social media misinformation and disinformation?**

25 A. Correct. Like we were talking

1 about earlier, the coordinated inauthentic
2 behavior. So were they using things like bots
3 or stuff like that, kind of what was their --
4 the technique that they were using to
5 distribute.

6 **Q. Were people at CISA following their**
7 **blog posts to sort of, you know, get information**
8 **from them?**

9 MR. GARDNER: Objection, calls for
10 speculation.

11 A. Yeah, can you specify what you mean
12 by people?

13 **Q. Was anyone at CISA following the**
14 **EIP's public reports?**

15 MR. GARDNER: Same objection.

16 A. I can only speak for myself. I was
17 following the public reports.

18 **Q. Okay. How about anyone -- how**
19 **about anyone on your team?**

20 MR. GARDNER: Same objection.

21 A. Yeah, I mean, I -- they likely
22 were, but, you know, I couldn't say for certain.

23 **Q. And so --**

24 A. The only job requirement -- there's
25 nobody responsible on my team, as part of their

1 job, to regularly file to the EIP reporting.

2 Q. I take it you did it, and saw some
3 stuff you thought was interesting; is that
4 right?

5 A. Yeah.

6 Q. And then are you the one who
7 decided to reach out to them and ask questions
8 about follow-up questions about stuff that they
9 posted?

10 A. Yeah.

11 Q. And then do you remember anything
12 specific about the tactics they flagged in their
13 blog posts?

14 A. I don't.

15 Q. Who did you talk to at the EIP when
16 you reached out?

17 MR. GARDNER: Objection to the form
18 of the question.

19 A. I don't recall.

20 Q. Was it Mr. Stamos?

21 A. It could have been Alex, it could
22 have been Renée. I forget, kind of, how they --
23 I forget how we connected with them.

24 Q. Did you already know Alex Stamos
25 and Renée DiResta when these conversations

1 **started happening in the summer of '20?**

2 A. I knew Alex Stamos from previous --
3 from when he was at Facebook. And then, as I
4 mentioned, Masterson and I went out to an event
5 that Stamos hosted when he got to the Stanford
6 Internet Observatory. So I knew him. Renée, I
7 think I may have had a conversation or two with,
8 prior, but I didn't know her as well as Alex.

9 **Q. You say you knew him when he was at**
10 **Facebook. What was your interactions with him**
11 **then?**

12 A. He headed the team at Facebook that
13 we did the coordination for some of the initial
14 government industry meetings. So if you recall
15 back then, essentially the first meeting was
16 back in 2018, Alex was the Facebook lead for
17 that meeting.

18 **Q. So he was the contact person at**
19 **Facebook that would be in those meetings that**
20 **involved CISA and ODNI and DOJ and the FBI?**

21 A. Correct.

22 **Q. I just want to flip one page in the**
23 **report. Up here on the screen share, do you see**
24 **up here they have a comment that says:**
25 **Additionally, the Countering Foreign Influence**

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1 Task Force, a subcomponent of CISA, aided in the
2 reporting process and in implementing resilience
3 efforts to counter misinformation; do you see
4 that sentence?

5 A. I do.

6 Q. I take it the counter -- countering
7 and foreign influence task force is now called
8 the MDM team that you lead; right?

9 A. Yeah, that's correct.

10 Q. Were you the leader of that team
11 then called the CFITF in 2020?

12 A. I was.

13 Q. Do you know what the report means
14 when it says that the CFITF, which was your
15 team, aided in the reporting process?

16 MR. GARDNER: Objection, calls for
17 speculation.

18 A. Yeah, I -- I don't know,
19 specifically, what they're referencing. My
20 assumption would be they're referencing a
21 switchboarding we discussed earlier.

22 Q. Tell me about that switchboarding.
23 I take it your testimony earlier was that you --
24 you were switchboarding or routing
25 disinformation concerns to social media

1 platforms and that there was coordination with
2 CIS and EIP on how they should be reported;
3 correct?

4 A. No, that's not correct.

5 Q. Okay.

6 A. So I believe what my testimony said
7 earlier is that you would receive -- generally
8 receive reporting through one of three ways, one
9 of those was through the Center For Internet
10 Security, two-fifths of that we would then
11 forwarded to the platforms.

12 I don't recall any reporting
13 directly coming from EIP. So generally
14 speaking, that's, you know, adding EIP into your
15 question I think is incorrect.

16 Q. What were the other two ways, you
17 said there were three ways, one is you get
18 them --

19 A. Yep.

20 Q. -- through Center for Internet
21 Security, what are the other two?

22 A. So the other two ways, sometimes
23 election officials would send them in to CISA
24 central, which is CISA's kind of ops center
25 block room type setup. And then the third way

1 was they would just send direct to a CISA
2 employee, often -- often Matt Masterson, who had
3 relationships with many of the election
4 officials. So those were the principal ways we
5 received reporting from election officials.

6 Q. So through the CIS, kind of
7 directly to -- was there a kind of e-mail
8 address for reporting misinformation that CISA
9 maintained?

10 A. Not specific to misinformation. It
11 was -- CISA central had their own e-mail
12 address, and obviously Matt had his. We had an
13 internal CFITF e-mail address, but I don't
14 believe we -- we put that out for election
15 officials to send messages to, I don't recall us
16 doing that.

17 Q. And then sometimes they would go to
18 straight to Mr. Masterson?

19 A. Right.

20 Q. And then I take it you -- did you
21 coordinate with CIS on what you were reporting
22 to social media platforms?

23 A. Only in the sense that we would let
24 them know when we reported something to a
25 platform, again, to avoid duplication or, you

1 know, most of the reporting that I recall in
2 2020 came through CIS. And so we just wanted to
3 let them know that we were acting on what they
4 sent us.

5 For reporting that didn't come
6 through CIS, we would often let them know after
7 we had shared it with the platforms that we had
8 shared something with the platforms for their
9 arrangement.

10 **Q. And then I take it you said**
11 **earlier, your understanding is that CIS was**
12 **coordinating with EIP?**

13 A. Again, they had a relationship. I
14 don't know how I would characterize what they
15 were -- what they were doing with the EIP.

16 **Q. Do you know what interactions they**
17 **had, at all, other than the ones we talked about**
18 **between CIS and EIP?**

19 A. I mean, I can't specifically say
20 what they were doing. They had a relationship.
21 They shared information. I don't know kind of
22 the extent of that or kind of what their
23 policies and procedures were for what they were
24 doing. So I know they were sharing stuff. I
25 don't know what, how or when, towards the

1 questions.

2 Q. I'm going to jump ahead to page 35
3 of this report.

4 A. 35? All right.

5 Q. That's going to be on page 53 of
6 the PDF?

7 A. Almost there, sorry. All right.
8 I'm on 35.

9 Q. If you look here on the last
10 sentence before that heading on the page, it
11 says, according to the EIP, interestingly, just
12 one percent of tickets related to COVID-19, and
13 less than one percent related to foreign
14 interference; do you see that?

15 A. I do.

16 Q. Is that consistent with your
17 understanding of the reports that you were
18 making to social media platforms in that
19 timeframe that only a small minority related to
20 before and afters?

21 MR. GARDNER: Objection, lack of
22 foundation, calls for speculation.

23 BY MR. SAUER:

24 Q. If you know.

25 A. So CISA does not do attribution.

1 We didn't do analysis of what we received from
2 election officials. So we would not know what
3 percentage were foreign derived.

4 Q. So you would receive reports and
5 you would forward them onto social media
6 platforms, you know, for consideration under
7 their content moderation policies, without
8 assessing whether they were originated from
9 foreign or domestics sources?

10 A. That's correct.

11 Q. In other words, a report would come
12 in, and you, like, didn't take steps to see
13 whether this came from a foreign or domestic
14 source?

15 A. Correct.

16 Q. You would just pass it along to the
17 social media platforms?

18 A. Right.

19 Q. Are you familiar with the gateway
20 pundit?

21 A. Am I familiar with it? Yeah.

22 Q. How do you know about it, what is
23 the gateway pundit, on your understanding?

24 A. It's some sort of a website.

25 Q. How do you know about it?

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1 A. I believe they've written some
2 articles about CISA.

3 Q. How did that get on your radar
4 screen?

5 A. Articles probably in our clips.

6 Q. Do you remember hearing --

7 A. I don't -- I don't --

8 Q. Go ahead.

9 A. I don't recall specifically how
10 they got on my radar.

11 Q. Do you remember hearing of them in
12 any other connection, other than writing
13 articles about CISA?

14 A. I do think of the general kind of
15 recall. Yeah, I think probably just as a
16 general fact that it had news on it I think is
17 probably the extent of what I know.

18 I'm sure I've just seen them, you
19 know, in reading other stories and things like
20 that, I don't -- I don't -- honestly, I don't
21 know how I came to know them.

22 Q. Are you aware of anyone at CISA
23 raising concerns that the gateway pundit might
24 be spreading misinformation or disinformation?

25 A. No.

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1 Q. I'm going to jump far down in this
2 document to page 196.

3 A. Let me see if there's a quick way
4 for me to get down there.

5 Q. Yeah, it's page 213 of the PDF.

6 MR. GARDNER: I think you can go
7 here. That's a lot.

8 THE WITNESS: Sorry.

9 MR. GARDNER: Yeah, you have to
10 scroll. All right, John, we're getting there.

11 THE WITNESS: It's two what in the
12 PDF? I'm sorry.

13 BY MR. SAUER:

14 Q. It's page 214 of the PDF.

15 A. Okay. 196. Almost there. Sorry.
16 Okay. Yep.

17 Q. Okay. Do you see here, there's a
18 whole section that begins: The gateway pundit
19 interval?

20 A. I see that.

21 Q. In the first sentence of that says:
22 The gateway pundit was among the most active
23 spreaders of election-related misinformation in
24 our analyses; correct?

25 A. That's what it says.

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1 Q. Does that ring a bell, at all? Do
2 you recall anyone at CISA ever raising the
3 concern that the gateway pundit was a spreader
4 of so-called election-related misinformation?

5 MR. GARDNER: Objection. Asked and
6 answered.

7 BY MR. SAUER:

8 Q. Do you recall that?

9 A. Yep. As I said earlier, I don't
10 recall any examples of that, no.

11 Q. Jump ahead to page 211. This is
12 page 229 of the PDF.

13 A. Almost there. Okay. 211, policy.

14 Q. Yeah, chapter six.

15 A. Gotcha.

16 Q. There at the introduction, at the
17 very beginning, it says: Platform policies
18 establish the rules of participation in social
19 media communities; correct?

20 A. Yes.

21 Q. It says: Recognizing the
22 heightened rhetoric and the use of mis and
23 disinformation during the 2020 election, all the
24 major platforms made significant changes to
25 election integrity policies, both as the

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1 campaigns kicked off and through the weeks after
2 election day; correct?

3 A. Yes.

4 Q. And let me ask you this: Are you
5 aware of social media platforms like Twitter and
6 Facebook and YouTube and so forth changing their
7 election integrity policies to limit
8 election-related misinformation and
9 disinformation during 2020?

10 A. I'm aware that they changed
11 policies. I don't know -- again, I don't know
12 that they needed mis and disinformation as their
13 terminology, so I don't want to go there. But I
14 do recall that they changed policies in 2020
15 related to election security.

16 Q. How did you know that, at the time,
17 did they report it to you?

18 A. They -- they did talk about some of
19 it in our regular sync meetings. And then I
20 believe there's some media coverage and public
21 statements that they made about their changes.

22 Q. In the sync meetings, were there
23 any questions on the government side? Did the
24 government ask: What are you doing to change
25 your policies?

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1 A. I don't recall that. I think,
2 generally speaking, the platforms would just
3 talk, you know, on a regular course of the
4 conversation they would -- that would be one of
5 their briefing points, that they were making
6 significant changes. But it wasn't an essential
7 part of the conversations, generally speaking.

8 **Q. Were you aware of anyone in the**
9 **federal government kind of asking or encouraging**
10 **them to change their content moderation policies**
11 **to address election integrity?**

12 A. Not that I'm aware of, no.

13 **Q. Do you recall, was it placed on the**
14 **agenda for the sync meetings?**

15 A. Was what placed on the agenda?

16 **Q. Changes in content moderation**
17 **policies.**

18 A. Not that I recall.

19 **Q. Do you know how it came up in those**
20 **meetings?**

21 A. Again, I think, you know, part of
22 the meetings were generally different
23 participants providing updates on what they were
24 doing relating to election security. And my
25 recollection is, is that platforms might raise

1 those sorts of things during that portion of the
2 agenda.

3 **Q. Did they ever separately e-mail you**
4 **to notify you of a content policy update?**

5 A. Not that I recall, though it's
6 certainly possible. You know, I would get press
7 releases that they would put out sometimes, they
8 would forward to me. But I don't recall
9 specific e-mail on that.

10 **Q. Do you know whether anyone at the**
11 **Center For Internet Security discussed content**
12 **policy changes with the social media platforms?**

13 A. I don't.

14 **Q. Do you know whether anybody at CISA**
15 **did so during the 2020 election cycle?**

16 A. Not that I'm aware of, no.

17 **Q. How about Mr. Masterson?**

18 A. Not that I'm aware of.

19 **Q. What was Mr. Masterson's title or**
20 **what was his role at CISA during this timeframe**
21 **in 2020?**

22 A. He was the senior -- I don't know
23 what his exact title was, but he was a senior
24 election security person at CISA.

25 **Q. So did you report to him when you**

1 **were the head the countering foreign influence**
2 **task force?**

3 A. No. Matt was what I call a
4 political appointee, so for organizational
5 reasons I reported up to Geoff and Geoff
6 reported to a normal chain of command. So there
7 was something weird about Matt being a political
8 appointee and where he could sit in the org
9 chart, so none of us technically reported up to
10 him.

11 Q. So he was -- but he was -- as a
12 **political appointee is higher than you in the**
13 **org chart?**

14 A. Yeah.

15 Q. Okay. And did you coordinate with
16 **him on the sort of -- sort of disinformation and**
17 **misinformation related activities that CISA was**
18 **engaged in, in 2020?**

19 MR. GARDNER: Objection, vague.

20 A. Yeah, could you be a little more
21 clear in what you're asking, please?

22 Q. Well, did you work with Matt
23 **Masterson on election disinformation and**
24 **misinformation related issues in 2020?**

25 A. Yes.

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1 Q. Okay. What sort of work did you do
2 with him?

3 A. Again, a majority of our work, as I
4 mentioned earlier, was resilience building, so
5 trying to develop products, public education,
6 public awareness, product to help election
7 officials, those sort of things. And then I
8 would have discussed with him -- he would have
9 been familiar with the switchboarding work that
10 we were doing.

11 Q. Did he participate in the
12 switchboarding work?

13 A. Not beyond when he would receive
14 e-mails, he forwarded them to us.

15 Q. Well, he would send them to you to
16 be switchboarded, so to speak?

17 A. Yeah, I mean, he would send them to
18 me or the team e-mail address.

19 Q. Oh, and you mentioned earlier that
20 he had close relationships with social media
21 platforms?

22 A. No, I don't think I ever said that.
23 He had close relationships with election
24 officials.

25 Q. Oh, okay. Did you also mention

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1 that he was in -- he had contacts with social
2 media platforms?

3 A. Again, he would have participated
4 in the sync meetings that I talked about, the
5 government industry syncs. If we had a briefing
6 or something at other meetings he would likely
7 participate. Those are the only communications
8 I'm aware of, but he may have had others. I'm
9 not sure.

10 Q. Are you aware of anyone at the
11 Election Integrity Partnership communicating
12 with the social media platforms about changing
13 their policies to, you know, kind of restrict
14 election-related misinformation?

15 A. I am not, no.

16 Q. Is that something, that idea of
17 advocating to the social media platforms to
18 adopt more restrictive policies on
19 election-related misinformation, is that
20 something that's -- that you recall coming up in
21 any meetings or discussions you had in 2020?

22 A. So did we ever have -- so one, if
23 you can clarify who the meetings were with, that
24 you're asking about.

25 Q. I'm asking --

1 A. Or the general -- did anyone at
2 CISA meet to discuss changes in platform policy?
3 To the best of my recollection, the answer is
4 no, we never meant to discuss asking the
5 platforms to make any changes to their policies.

6 **Q. Do you recall -- I take it that was**
7 **a response as to internal meetings, are you**
8 **aware of any meetings with anyone external to**
9 **CISA to discuss, you know, changes in platform**
10 **policies?**

11 A. I'm not aware of any external
12 meetings along those lines.

13 **Q. Do you recall any communications of**
14 **any kind that related to that in 2020?**

15 A. Any communications that related to
16 what? To -- to platforms changing their
17 policies? Any communications -- with -- I mean,
18 that's a very broad -- I mean, it's possible
19 that somebody at CISA, along the way, had a
20 conversation about that, but I don't recall any
21 specific conversations where we sat down to talk
22 specifically about that. I don't -- I don't
23 recall any of that. It's a very broad answer,
24 so I don't want to say definitively that nobody
25 at CISA ever had any conversations in 2020 about

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1 policy changes.

2 Q. How about you, do you recall
3 communicating with anyone outside of CISA about
4 social media platform policy changes in 2020?

5 A. I don't. I don't.

6 Q. Have you ever heard of the Virality
7 Project?

8 A. I have.

9 Q. What is the Virality Project?

10 A. My understanding, it was Stanford's
11 attempt to mimic the EIP for COVID.

12 Q. How do you know about that?

13 A. Good question. I believe they sent
14 me some of their public reports.

15 Q. The Virality Project did?

16 A. Yes.

17 Q. Who -- who would have sent those to
18 you? Was it the same people involved in -- same
19 people involved in the Election Integrity
20 Partnership?

21 A. I think Alex was involved, and I
22 believe Renée was involved. I don't know if the
23 rest were similar or not. I don't recall who
24 was sending it, the exact individual who was
25 forwarding me their reports.

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1 Q. Was that --

2 A. And to be honest, I'm not sure if
3 they sent them directly to me or if they went to
4 somebody else in government who forwarded it to
5 me.

6 Q. Okay. Was there -- did you have an
7 oral conversation with anyone associated with
8 the Virality Project about what they do?

9 A. Not specifically about what they
10 do, but I did have some conversations where they
11 were asking us for -- asking me, not us -- for
12 any connections I had with HHS or CDC.

13 Q. And did you provide them with
14 connections?

15 A. I did not.

16 Q. What did you -- what did you say in
17 that conversation?

18 A. I don't recall that I had any --
19 any relevant points of contacts to provide them.

20 Q. Did you have any other
21 conversations with them relating to the Virality
22 Project?

23 A. Not -- not substantial. I'm trying
24 to think. I mean, I -- most of that work took
25 place when I was over at the National Security

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1 Council, so I had substantially less
2 communication.

3 But I believe there were some
4 informal kind of not work conversations that I
5 may have had with Alex, in particular, and maybe
6 Renée, as well.

7 **Q. You believe when you were detailed**
8 **to the National Security Council you had**
9 **conversations with Alex Stamos and Renée DiResta**
10 **about the Virality Project?**

11 A. Just in the sense that it was
12 something that they were doing, and that was
13 when I think Alex asked if I had any contacts is
14 when I was at the National Security Council.

15 **Q. Did you and Alex discuss anything**
16 **else about it? And let me ask you this: Did he**
17 **give you any kind of overview what they planned**
18 **to do in the Virality Project?**

19 A. Not beyond that it was similar to
20 what they did with the -- with the EIP, that was
21 the extent. We didn't get into any details or
22 anything like that.

23 **Q. And he asked you for contacts at --**
24 **at kind of federal kind of health agencies?**

25 A. Yeah, that's my recollection of

1 what he was asking for.

2 **Q. And did you have any other**
3 **discussions with him that related to Virality**
4 **Project?**

5 A. Not that I recall. I don't know
6 that we ever got briefed on their work, so I
7 don't think there was anything like that. So I
8 think to the extent was, you know, that
9 conversation about that, and then, like I said,
10 I believe I received some of their reports, the
11 public reports.

12 **Q. And you say either they or someone**
13 **within government forwarded you with their**
14 **public reports?**

15 A. Right, yeah, I don't recall exactly
16 how I got them. I think it was from -- from the
17 Virality Project, itself, but I'm not a hundred
18 percent certain of that.

19 **Q. And let me ask you this: Was CISA**
20 **active in -- in -- or take any activities to**
21 **follow or address information -- misinformation**
22 **relating to COVID-19?**

23 A. I believe we did at least one
24 product for our critical infrastructure
25 stakeholders related to COVID-19.

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1 Q. How about --

2 A. It should be on our -- sorry.

3 It should be on our public website.

4 Q. How about switchboarding, did CISA
5 do any switchboarding related to COVID-19
6 misinformation concerns?

7 A. No.

8 Q. And again, the switchboarding
9 that -- when I use that term I'm using your term
10 for kind of routing disinformation concerns and
11 misinformation concerns to the social media
12 platforms; correct?

13 A. Correct, yeah, as far as I'm aware
14 there was no -- there was none of that occurred
15 related to COVID.

16 MR. SAUER: I'm going to pull up
17 Exhibit 2 on the screen share, which has also
18 been e-mailed to you, which is the Virality
19 Project's public reporter.

20 (Exhibit No. 2 was marked for
21 identification.)

22 MR. GARDNER: Hold on one second,
23 John.

24 MR. SAUER: Which is the Virality
25 Project's public report, Virality,

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1 V-i-r-a-l-i-t-y.

2 MR. GARDNER: Yeah, hold on, John.

3 Hold on, John. Hold on. Got it.

4 BY MR. SAUER:

5 Q. You mentioned -- before we turn to
6 the document, you mentioned that you had
7 conversations with Alex Stamos and Renée DiResta
8 about the Virality Project. What were the
9 nature of the conversations with Renée DiResta?

10 A. They were at the same time as the
11 conversations with Alex. I believe it was
12 similar content. And I don't -- it wasn't a
13 lengthy conversation, it was just, hey, we're
14 doing something, I believe.

15 Q. Mm-hmm. Did she ask you for any
16 context or anything like that?

17 A. I'm sorry, could you repeat that?

18 Q. Did she ask you for any context or
19 anything like that?

20 A. Not that I recall, but I think she
21 was with Alex when we had that conversation.

22 Q. So you believe it was the same
23 conversation with Alex and Renée happened at the
24 same time?

25 A. Yeah, I believe we were having a

1 meeting, they were briefing us about -- so I
2 think this was connected to when I got the brief
3 on the report, the election report, when I was
4 at the White House. I think that's when they
5 mentioned that they were going to potentially do
6 something similar around COVID, and asked if we
7 had any contacts.

8 Q. And did you -- and I take it you
9 said earlier you didn't have any contacts;
10 right?

11 A. Yeah, I didn't have any good
12 contacts at CDC or HHS.

13 Q. Did you ask anyone else in
14 government if they had contacts that would be
15 useful to them?

16 A. I don't recall doing that, so I
17 don't think so.

18 Q. Did you notify people at the White
19 House about, you know, the briefing you got from
20 them or the information you got from them?

21 A. So I'm sure I talked to my
22 supervisor about the election briefing. I may
23 have mentioned, although I don't recall if I did
24 or not, that they were going to do something
25 similar for -- for COVID.

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1 Q. What did you report back about the
2 election briefing? I take it that's the long
3 fuse report from the Election Integrity Project
4 right, or partnership; right?

5 A. Yeah, just to the extent we -- just
6 in general, we met with them kind of shared kind
7 of their lessons learned, kind of what some of
8 their big takeaways were. I don't recall what
9 the specifics were. It was a brief kind of
10 conversation in passing.

11 Q. Who was your supervisor at that
12 time?

13 A. Kaitlin Gegovich (phonetic).

14 Q. Looking at the Virality Project
15 report, skipping ahead to page 4 of the report?

16 A. 4, 4, or Roman numeral four?

17 Q. Regular four.

18 A. Gotcha.

19 Q. Is there's recommendations --

20 A. Okay. Okay.

21 Q. Is there a recommendation here to
22 implement misinformation and disinformation
23 center of excellence housed within the cyber
24 security infrastructure security agency; do you
25 see that?

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1 A. I do.

2 Q. So Stanford recommends that the
3 government create a misinformation and
4 disinformation center of excellence housed
5 within CISA; correct?

6 MR. GARDNER: Objection. He said
7 it calls for speculation.

8 A. That's what the sentence says.

9 Q. Did they ever discuss --

10 A. What they meant by that, I don't
11 know what they meant.

12 Q. Did they ever -- did Alex Stamos or
13 Renée DiResta ever discuss that with you, you
14 know, having CISA take on a new and more
15 formalized roll with respect to misinformation
16 and disinformation?

17 A. Not that I recall. I don't think I
18 was ever briefed on this report, so I don't
19 recall having that conversation.

20 Q. Do you know of anyone -- they
21 talked to anyone else at CISA about that?

22 A. I don't know. I don't know.

23 Q. By the time of this report, in
24 2021, Matt Masterson was actually working for
25 the Stanford Internet Observatory; correct?

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1 A. I believe so, yeah.

2 Q. Have you ever read this report
3 before?

4 A. I think I read a little bit of it,
5 but I don't think I read the whole -- I don't
6 recall. I haven't read the whole thing. I
7 shouldn't say I don't recall. I haven't read
8 the whole thing.

9 Q. Do you know when you read it?

10 A. I don't.

11 Q. Do you know why you read it?

12 A. I mean, I would read it, generally
13 speaking, I'm interested in understanding what
14 researchers find related to mis, dis and
15 mal-information.

16 Q. I'm sorry, relating to what?

17 A. What researchers find, understand,
18 what they're learning relating to mis, dis and
19 mal-information.

20 Q. And did you have any takeaways from
21 this report, that informed your work at the MDM
22 team?

23 A. I don't think there's anything
24 specific that we took from this, from a product
25 standpoint or anything like that.

1 Q. Do you know how -- do you know how
2 the Virality Project tracked, you know,
3 misinformation narratives about COVID vaccines
4 on social media?

5 A. I don't.

6 Q. I'm going to jump ahead to page 30
7 of the report, very usefully that's also page 30
8 of the PDF.

9 A. Making things easier.

10 Q. I think they learned a lesson after
11 the first report.

12 A. Yeah.

13 Q. Reference here to your --

14 A. Okay. Got you.

15 Q. There's a reference here to tiered
16 ticket analysis, it says: Their analysis
17 consisted of lateral -- lateral research that
18 used Crowd Tangle and Google searches to assess
19 the spread of the incident or content and so
20 forth; do you see that?

21 A. I do.

22 Q. What Crowd Tangle is?

23 A. I believe Crowd Tangle was a
24 Facebook-owned social media monitoring service.

25 Q. And is that something that's

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1 **available to the public? Can the public kind of**
2 **subscribe to Crowd Tangle?**

3 MR. GARDNER: Objection.

4 BY MR. SAUER:

5 **Q. Or is it kind of a --**

6 MR. GARDNER: Objection. Sorry.

7 Sorry, thought you were done, John, please, are
8 you done?

9 MR. SAUER: Yeah.

10 MR. GARDNER: Sorry, objection,
11 lack of foundation.

12 A. So I don't know -- I don't know the
13 nature of Crowd Tangle, if it's publicly
14 available or not.

15 **Q. Have you ever heard of it before?**

16 A. I have.

17 **Q. In what connection have you heard**
18 **of it?**

19 A. Just talking, you know, in the
20 general, mis, dis, mal-information research
21 community, I know it's a tool that some
22 researchers use.

23 **Q. Okay. Next page of the report,**
24 **there's a reference to collecting video --**
25 **there's a reference to -- it says: The**

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1 engagement data or video view data for links
2 associated with each ticket is collected
3 differently depending on the social media
4 platform in question, colon; do you see that?

5 A. I do.

6 Q. It talks about how Facebook and
7 Instagram, they used Crowd Tangle API; right?

8 A. I see that, yeah.

9 Q. What is -- do you know what API
10 stands for?

11 A. I don't.

12 Q. Okay. Same question, then, as to
13 Twitter, it says Twitter API, YouTube, API, do
14 you know what API refers to?

15 A. I --

16 MR. GARDNER: Objection, asked and
17 answered.

18 A. Yeah, I don't know, that's a little
19 above my technical knowledge.

20 Q. Let's jump ahead to page 143.

21 A. Okay.

22 Q. Okay. Here under: Maintain clear
23 channels of communication across all levels of
24 government; do you see that?

25 A. I do.

1 Q. And then there in this sentence it
2 says -- or sorry, in this paragraph -- it says:
3 For example, as voting-related mis and
4 disinformation arose in the 2020 presidential
5 election, the Election Infrastructure
6 Information Sharing and Analysis Center, EI-ISAC
7 served a critical role in sharing information in
8 the Election Integrity Partnership in pushing
9 its rapid response analysis back out to election
10 stakeholders across the states; right?

11 A. That's what the sentence says,
12 yeah.

13 Q. And I take it, we asked you this
14 before, but are you aware of the EI-ISAC
15 sharing -- serving a critical role in sharing
16 information with the EIP during 2020?

17 A. I -- I'm not. My understanding and
18 recollection it was Center For Internet
19 Security, it's of course possible that the
20 Stanford folks are conflating the EI-ISAC with
21 the Center For Internet Security, kind of we
22 talked about earlier, they're kind of part of
23 the same organization, but I'm not aware of
24 those sorts of direct communications with
25 EI-ISAC.

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1 Q. What is the difference between the
2 EI-ISAC and the CIS? My understanding was that
3 the CIS was a non-profit, and EI-ISAC is kind of
4 like a program that it runs, that allows for
5 information sharing among state and local
6 election officials, is that the distinction of
7 what's the difference?

8 MR. GARDNER: Objection, form.

9 BY MR. SAUER:

10 Q. You may answer.

11 A. What's the difference between what,
12 CIS and EI-ISAC.

13 Q. Yeah, what's the distinction
14 between them.

15 A. I mean, I don't -- to be honest, I
16 don't fully know what the distinction is, my
17 understanding is it's roughly, as you kind of
18 stated it, right, is CIS is an umbrella
19 organization that has organizations underneath
20 it. I don't know what the operating
21 relationship is between the EI-ISAC and CIS. If
22 it's a direct line, I just don't know how they
23 operate that way.

24 But my understanding is that the
25 CIS has its own staff, and that those staff and

1 their own funding, and that that staff and
2 funding is what supported the 2020 election
3 switchboarding work.

4 **Q. So, in other words, you think the**
5 **CIS was -- was switchboarding to EIP during**
6 **2020?**

7 A. I'm not sure that's what I said. I
8 mean, the relationship that I understood was
9 between CIS and EIP, what specifically they were
10 doing as part of that relationship I'm not --
11 again, I don't necessarily want to speak to,
12 because I'm not 100 percent sure how it worked.

13 **Q. Well, is the EI-ISAC kind of a**
14 **vehicle in which CIS receives reports of**
15 **misinformation and disinformation from state and**
16 **local election officials?**

17 MR. GARDNER: Objection, lack of
18 foundation, calls for speculation.

19 A. Yeah, I don't know how -- how the
20 EI-ISAC played in this switchboarding role.

21 **Q. Down here at the bottom of the same**
22 **page there's another reference to the**
23 **recommendations to implement a misinformation**
24 **and disinformation center of excellence housed**
25 **within the federal government; correct?**

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1 A. Yeah.

2 Q. And that there in that paragraph it
3 specifically recommends that it be housed within
4 the federal government at CISA; correct? See
5 where I've highlighted?

6 A. Yeah, I'm just reading that now.

7 Yeah, that's what the sentence
8 says, yeah.

9 Q. Do you have any recollection -- let
10 me ask you this: I think you testified earlier
11 you don't remember discussing that
12 recommendation with anyone; correct?

13 A. Correct.

14 Q. Okay. How about any discussions of
15 changing or increasing CISA's role in -- in kind
16 of tracking or monitoring online dis and
17 misinformation?

18 MR. GARDNER: Objection to the
19 extent that answers calls for the disclosure of
20 information, subject to the local process
21 privilege. I would instruct the witness not to
22 answer. To the extent that you can answer that
23 without disclosing information related to the
24 privilege you can do so.

25 THE WITNESS: I'm sorry, can you

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1 repeat the question, just to make sure I
2 understand it.

3 MR. SAUER: Let's break it down.

4 BY MR. SAUER:

5 Q. Do you recall any discussions with
6 anyone outside of CISA about expanding CISA's
7 role in addressing misinformation and
8 disinformation concerns on social media?

9 A. CISA's role, expanding CISA's role,
10 yeah. Yes.

11 Q. Okay. What conversations do you
12 remember about that?

13 A. So we were piloting a capability
14 that would allow us to monitor narratives
15 online.

16 Q. Now, when was this piloted?

17 A. I believe it was -- we did one
18 short pilot, I believe, in summer 2020, so I
19 believe it was all 2020.

20 Q. What -- what -- what sort of
21 pilighting -- can you explain what you mean by
22 pilighting -- I'm sorry -- piloting something to
23 track mis and disinformation online?

24 A. So it wasn't necessarily to track,
25 it was to understand the information

1 environment, what narratives were -- were kind
2 of perking up. The piloting was, as I'm sure
3 you're aware, there was extensive -- extensive
4 privacy rules around that sort of work, and so
5 it was just kind of piloting it to see if it
6 would work, if it did what we wanted it to do.

7 In particular, we were trying to
8 predict the likely impact of narratives on
9 stakeholders. And so we weren't sure if the
10 predictive activity that we were doing actually
11 worked, so we wanted to test that, and then we
12 wanted to just get a sense of the privacy and
13 other kind of rules that might be in play and if
14 it's something that we could -- we could do.

15 **Q. What exactly was the pilot? I**
16 **mean, what -- what -- did you have a computer**
17 **program that would, you know, go out and track**
18 **what people were saying on social media? What**
19 **exactly was the pilot? I don't understand.**

20 MR. GARDNER: I'll object on the
21 grounds that that calls for disclosure of
22 information subject to deliberative process
23 privilege. I instruct the witness not to
24 answer.

25 MR. SAUER: Yeah, the deliberative

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1 process privilege only applies when there is no
2 indication of any government wrongdoing. Our
3 court has already found that there's at least a
4 substantial concern that there were significant
5 first amendment violations, here, so I ask you
6 to withdraw the objection.

7 MR. GARDNER: I understand your
8 position and I decline your invitation.

9 BY MR. SAUER:

10 Q. Are you declining to answer the
11 question, sir?

12 A. Yes.

13 Q. So in that case, can you kind of
14 explain more generally what this pilot project
15 involved in 2020, to track social media on the
16 internet?

17 MR. GARDNER: To the extent that
18 that calls for the disclosure of information
19 subject to the deliberative process privilege I
20 instruct the witness not to answer.

21 To the extent that you can answer
22 that question at a high level of generality, you
23 may do so.

24 A. Yeah, so as I mentioned, our
25 mission is to build the variance to MDM

1 targeting critical infrastructure.

2 So essentially what we were trying
3 to understand is if we could predict the likely
4 impact of MDM narrative in terms of increasing
5 risks to critical infrastructure by a better
6 understanding the information environment, so
7 the pilot was essentially trying to test that
8 theory out.

9 **Q. Yeah, kind of, again, at a high**
10 **level of generality, how do you test that theory**
11 **out?**

12 A. So the predictive model essentially
13 was to say -- say you had an image, it would
14 pull particular components of an image out and
15 based on -- I don't want to get too -- I don't
16 know that I understand the black box that they
17 used all that well, if I were trying to test it,
18 but there was a methodology that they used to do
19 that, and so we were just trying to see if that
20 methodology, in fact, worked from a
21 disinformation standpoint.

22 **Q. When you say: They, who's they?**
23 **Is this people at CISA or is there a contractor**
24 **that created a product?**

25 A. It was a contractor.

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1 Q. What contractor?

2 A. I believe the company was Limbik.

3 Q. Sorry, can you spell that?

4 A. L-i-m-b-i-k.

5 And then there was a separate
6 pilot, that's more generically around
7 situational awareness of potential narratives
8 online, that didn't feed into the -- into the
9 predictive modeling.

10 Q. Was that a Limbik product, too,
11 that second pilot?

12 A. No, that was a -- that was a
13 different contractor, and I forget who it was.

14 Q. Did either of these pilots ever get
15 any actual programming, something that you used?

16 A. No. The rules we operated the
17 pilot on was that none of it could be used for
18 operational purposes, because there's privacy
19 requirements around that. And so essentially we
20 were just using it for internal deliberations in
21 terms of if the -- if the tools were helpful or
22 not.

23 Q. Did you conclude that they were
24 helpful?

25 MR. GARDNER: Object on the grounds

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1 of deliberative process privilege. I instruct
2 the witness not to answer.

3 MR. SAUER: To be clear, I'm asking
4 for the conclusion, not the deliberation.

5 BY MR. SAUER:

6 Q. Did you conclude that they would be
7 useful?

8 MR. GARDNER: Same objections, same
9 instructions.

10 THE WITNESS: Yeah, I'm not going
11 to answer.

12 MR. SAUER: I've e-mailed around
13 Exhibit 9.

14 (Exhibit No. 9 was marked for
15 identification.)

16 BY MR. SAUER:

17 Q. And if you have a minute to look at
18 it, I'm also putting on the screen share, it's a
19 collection of e-mails from October of 2020,
20 produced by the government, involving CISA. And
21 I think they relate to the switchboarding you
22 testified there about earlier.

23 Do you see the -- the document?

24 A. I do.

25 Q. Just look here on the first page,

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1 there's an e-mail, if you look here, kind of on
2 Thursday, October 1st, at 4:23 p.m., it shows
3 misinformation reports sending an e-mail to you,
4 to CISA central, which I think you mentioned
5 earlier, to CFITF e-mail address, and -- and
6 misinformation reports; do you see that?

7 A. I do.

8 Q. And this is a -- I take it, some
9 report that relates to misinformation in social
10 media from CIS; correct?

11 A. Let me just scroll to the beginning
12 of the e-mail chain.

13 Yeah, this is a report I received
14 from CIS.

15 Q. And when CIS e-mailed you this
16 report, if you look here, towards the top or
17 right in the middle of the first page, CIS --
18 first of all, it's signed by Walter Oberes and
19 Aaron Wilson; correct?

20 A. Yeah.

21 Q. And that Aaron, is that the Aaron
22 you talked about earlier, as your CIS contact?

23 A. It is, correct.

24 Q. And how about -- who's Walter
25 Oberes?

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1 A. I don't know.

2 Q. Okay. And he -- they say:

3 Brian -- referring to you -- we know many are
4 already aware of this case, but the impact seems
5 to be escalating. Our hope is the platforms can
6 do more to take down the misinformation;
7 correct?

8 A. That's what this says, correct.

9 Q. And then it goes on to say: The
10 EIP has been tracking this spread under ticket
11 EIP-243, and has more examples; correct?

12 A. Correct.

13 Q. Did they commonly tell you when the
14 EIP was tracking online misinformation, as well
15 as CIS?

16 A. I don't think that was common, no.

17 Q. Okay. Were you aware, at the time,
18 of what an EIP ticket was?

19 A. I understood that EIP was using a
20 ticketing system. That's the extent of it, so
21 that's what I assumed it was.

22 Q. And how did you know that?

23 A. That they were using a ticketing
24 system?

25 Q. Yeah.

1 A. So as I mentioned earlier, we did
2 get some briefs from them when they were setting
3 things up, to let us know how they would work,
4 and there was mention of a ticketing system
5 during that, those conversations.

6 **Q. When you received this report you**
7 **forwarded it onto Facebook, correct, directly**
8 **above?**

9 A. I did.

10 **Q. And you said --**

11 A. Correct.

12 **Q. And you said: This is not**
13 **Facebook-related reporting, but thought it would**
14 **be of interest to your team; right?**

15 A. Right.

16 **Q. Why did you forward it onto**
17 **Facebook if it appears to relate to tweets or**
18 **Twitter, as opposed to Facebook?**

19 A. Well, it related to Twitter and I
20 believe YouTube, if I'm reading this correctly.

21 **Q. Yeah, why did you forward it onto**
22 **Facebook?**

23 A. There's a lot of ways that people
24 generate traffic to YouTube, in particular, but
25 Twitter, as well, is by posting it across

1 platforms.

2 So something like this, it would
3 sometimes share across other platforms that we
4 thought there might be -- it might be relevant
5 content showing up on their platforms.

6 Q. In other words, if the
7 disinformation or misinformation might be
8 spreading to other platforms you would notify
9 not just the platform reported, but other
10 platforms, as well, so that they could be aware
11 of this content; is that what you did?

12 A. Yeah. So if I'm reading this
13 correctly, it sounds like it literally jumped
14 platforms. So maybe I'm misreading. And so,
15 yeah, sometimes we would just -- we would share.

16 Q. When you say: We would share, you
17 mean you would share it with other platforms
18 than the one that was currently hosting the
19 reported content?

20 A. Correct.

21 Q. Okay. Just scrolling down a few
22 pages, there a page with a Bates number 9676 at
23 the bottom.

24 A. 9676.

25 Q. It's page 7 of the PDF.

1 A. Let me just make sure I got the
2 right one. Got it.

3 Q. And again, on this one, here's
4 another e-mail, and you said: Hi Richard, this
5 is not Google-specific reporting, but thought it
6 might be of interest to your team; correct?

7 A. Correct.

8 Q. And there's this other situation
9 where a misinformation report had come in that
10 related to a content of other platforms, and you
11 shared it with a different platform; right?

12 A. This looks like the same example we
13 talked about above.

14 Q. Oh, yeah, because this is the one
15 being tracked under ticket EIP243?

16 A. I believe it's the same. Reading
17 the e-mail it looks the same.

18 Q. Is this something that was kind of
19 a common practice when you were performing this
20 switchboarding function that you described in
21 2020, that you would report misinformation
22 concerns, not just platform directly affected,
23 but other platforms, as well, to get ahead of
24 it, so to speak?

25 MR. GARDNER: Objection, asked and

1 answered. You can answer.

2 A. I wouldn't say it was a common
3 practice, but we did do it period -- do it
4 periodically.

5 Q. Let me jump ahead to Bates number
6 8356.

7 A. Which PDF page is that?

8 Q. That looks like it's going to be
9 page 12 of the PDF.

10 A. Okay. All right. Just so you
11 know, for the e-mail, the PDF page numbers are
12 going to be a lot more helpful.

13 Q. Sure.

14 A. So 8357, is that what I'm looking
15 at?

16 Q. 56, I think it's the page before.

17 A. Oh, the one above? I got you.

18 Q. So, yeah, and I think this still
19 relates to the same ticket; right? If you look
20 at the middle of the page, you're still dealing
21 with the same report from CIS that has that same
22 EIP ticket number; correct?

23 A. Yeah, it appears correct.

24 Q. And this one you passed this onto
25 Twitter; right?

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1 A. Mm-hmm.

2 Q. And that was the platform that was
3 directly affected; right?

4 A. Correct.

5 Q. And then talking to Twitter, at the
6 very top, there, you said, you know, good
7 afternoon, suspect you are -- you all are
8 already aware of these issues, we wanted to pass
9 along this reporting from Sonoma County,
10 California, to see if there's anything you can
11 share on how you're approaching; right?

12 A. Mm-hmm.

13 Q. Is that -- sorry, can you answer it
14 with a yes or no?

15 A. Oh, I'm sorry.

16 Yes.

17 Q. Is that something you did when you
18 were serving the switchboarding function was ask
19 the social media platforms to report back how
20 they had addressed the contents reported?

21 A. Generally we would do that if the
22 election official asked.

23 Q. Why did you do that?

24 A. Well, the -- the election official
25 reported something, they just wanted to know if

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1 a decision was made often, not often, sometimes.

2 And so if the platform was open to
3 sharing if they had made a decision or not, we
4 would just push that back to the election
5 officials so they were aware --

6 Q. So --

7 A. -- of where the platform landed.

8 Q. So CISA would, if the state or
9 local official wanted to know, you know, whether
10 the reported misinformation had been actioned in
11 some way, CISA would ask the social media
12 platform to report that back, and then CISA
13 would relay that to the social media -- sorry --
14 to the state or local official; is that right?

15 A. Yeah, we did that periodically,
16 where we would ask if the decision was made and
17 if we can share back.

18 Q. Did you do --

19 A. The platforms got better, along the
20 way, of communicating directly with the election
21 officials, themselves.

22 Q. Sometimes they would report back
23 directly, later in the process, especially?

24 A. Yeah, I believe it got better kind
25 of as time went on.

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1 Q. Did you do anything else with that
2 information, about whether and how the reported
3 misinformation had been actioned by the social
4 media platform?

5 A. Did we do anything else with it?

6 No. No. I mean, if it came to CIS
7 we would push the response from the platform
8 back up to CIS. If the information we received
9 from the election official came direct to us we
10 would push that back, just back to the election
11 official.

12 Q. How about anyone else, would anyone
13 else be notified how they acted?

14 A. I think we may have put a notation
15 in the tracking spreadsheet we kept, if a
16 platform said something returned. But that was
17 an internal set of documents that would go to --
18 normally our attorneys, the privacy folks, would
19 let you see the tracking list review,
20 periodically.

21 Q. So there was an internal
22 spreadsheet created by CISA to track these
23 reports?

24 A. Yes.

25 Q. And did you enter, you know, all of

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1 **your switchboarding activity reports into that**
2 **spreadsheet?**

3 A. Yeah, we did the best we could to
4 make sure everything was captured in there.

5 **Q. Does that spreadsheet still exist?**

6 A. I believe -- I would assume so.

7 **Q. Who else -- or who would enter the**
8 **information in this spreadsheet?**

9 A. So the MDM team took shifts, in
10 terms of receiving and doing -- like I said, it
11 was very resource intensive for us, and so other
12 members of the MDM team would have asserted
13 stuff in there, as well, if it was their shifts.

14 **Q. Who would have -- who took shifts,**
15 **other than you?**

16 A. So back then it would have been
17 myself, Chad, Rob, from that org chart, sorry,
18 Rob Schaul, Chad Josiah, who else was doing it
19 back then, myself, Alex Zaheer, an intern, which
20 I'm not going to name, and I think that was it.

21 **Q. Let me see if I caught all --**

22 A. I think that was it.

23 **Q. Let me see if I caught all those**
24 **e-mails, Chad Josiah did that?**

25 A. Mm-hmm.

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1 Q. And then I think you said Rob
2 Schaul did that, S-c-h-a-u-l; corrects?

3 A. Correct, and then Alex Zaheer, who
4 also should be on the org chart.

5 Q. How do you spell letter name?

6 A. His name, Alex, A-l-e-x,
7 Z-a-h-e-e-r.

8 Q. Okay. Anyone else?

9 A. There's an intern.

10 Q. Can you name the intern, please?

11 A. No, I'm not going to name the
12 intern.

13 Q. Are you refusing to answer that
14 question without an instruction, again?

15 A. Yes.

16 Q. Okay. Anyone else?

17 A. I feel like there was, but I'm
18 forgetting names, right now. But those would
19 have been the principal -- oh, John Stafford,
20 sorry.

21 Q. What's his role at CISA?

22 A. He is not at CISA any longer. He
23 left sometime in 2021.

24 Q. Okay. What was his role?

25 A. He was an analyst by -- like the

1 others.

2 Q. And would all those people be
3 involved in e-mails like the ones we're looking
4 at here in October 9 -- sorry -- in Exhibit 9,
5 where word would come in from, you know, CIS or
6 somebody like that, they would forward it onto a
7 social media platform?

8 A. Yeah, so they would -- if -- if
9 they received something, they would play that
10 switchboard role and they would forward it to
11 the platforms.

12 Q. And then would they, like you,
13 report back sometimes to CIS or whatever
14 reporter on how things had been actioned?

15 A. I don't recall if they did that or
16 not. If the -- if the platform sent something
17 back on their own, which sometimes happened, as
18 well, they would report that. I don't know that
19 they did anything beyond that.

20 Q. Did any of them communicate with
21 anyone at the Election Integrity Partnership?

22 A. Well, the intern, I believe, worked
23 both, although, when he was on duty, he was only
24 working for us. Beyond that, I don't -- I don't
25 know. I don't know that we would have

1 conversations, not about the switchboarding, I
2 wouldn't think.

3 **Q. You say the intern worked both, you**
4 **mean the intern part of the time was working for**
5 **CISA and part of the time was working for EIP?**

6 A. So my understanding -- so the
7 intern was a Stanford student, so he worked part
8 time for us. On election day, when he would
9 have been on the agenda, he was just working for
10 us.

11 And my understanding is he also did
12 some work for the Stanford Internet Observatory.
13 I don't know what that work entailed, if it was
14 EIP-specific or not. But yeah, he was -- he did
15 do some stuff with the Stanford Internet
16 Observatory, I'm just not a hundred percent
17 certain of the nature of it.

18 **Q. Do you know whether he was involved**
19 **in tracking misinformation and disinformation**
20 **for the Stanford Internet Observatory?**

21 A. I don't know if that intern was
22 responsible for that or doing that work.

23 **Q. Was that the only intern during**
24 **2020 who was simultaneously working part time**
25 **for CISA, and also working with Stanford**

1 **Internet Observatory?**

2 A. No. There was one other, as I
3 mentioned earlier, there were two.

4 Q. And so, I see, in other words, it
5 wasn't sequential. Those two interns, did they
6 maintain their part-time internship at CISA
7 through the election -- the end of the election
8 cycle in 2020?

9 A. Correct. They were summer interns,
10 full-time summer interns, and then they went
11 back, they continued their studies at Stanford
12 and part-time interns of us.

13 Q. Okay. So they also, I take it,
14 when they went back to Stanford for the fall
15 semester they also worked for the Stanford
16 Internet Observatory?

17 A. That's my understanding, correct.

18 Q. And at least one of those interns
19 was involved in doing these switchboarding
20 e-mails like we're looking at in Exhibit 9;
21 right?

22 A. Correct.

23 Q. Okay. What -- what did the other
24 intern do during this timeframe for CISA?

25 A. He also did some of the

1 switchboarding.

2 Q. Okay. So should we add intern
3 number two is also a -- a person who engages in
4 switchboarding e-mails?

5 A. Correct.

6 Q. Are you declining to disclose the
7 name of intern number two, as well?

8 A. Intern number two is on our staff
9 now.

10 Q. What's his name?

11 A. Alex.

12 Q. Alex what?

13 A. Zaheer.

14 Q. So Alex Zaheer was -- was he one of
15 the interns who originated the idea of the EIP?

16 A. Correct.

17 Q. What's his role in CISA now?

18 A. He is an analyst on the MDM team.

19 Q. What does he do for CISA?

20 A. He works on the MDM team. He
21 does -- we talked about him earlier in the org
22 chart discussion.

23 Q. I'm sorry, I don't remember, what
24 does he do?

25 A. So he steps across the range of

1 work, he does some analysis, he does some
2 engagement, he does some product development
3 work.

4 Q. What's engagement? Does he talk to
5 social media platforms for CISA?

6 A. He does not, no.

7 Q. Does he still do any work for
8 Stanford Internet Observatory?

9 A. No, not that I'm aware of.

10 Q. When was he involved in working for
11 Stanford Internet -- Stanford Internet
12 Observatory, to your knowledge?

13 A. I don't know. It would have been
14 before he graduated, as far as I'm aware.

15 Q. I'm asking you again, what's the
16 name of intern number one, the one who was
17 involved in routing disinformation concerns to
18 social media platforms, during the 2020
19 election, whose name you haven't disclosed yet?

20 A. I'm still not going to disclose his
21 name.

22 MR. SAUER: Counsel, on the break
23 let's talk about that.

24 BY MR. SAUER:

25 Q. Moving on a little bit, if I could

1 direct your attention back to -- or actually,
2 let's jump ahead in the Exhibit 9. Actually,
3 let me -- let's stay on this page.

4 A. Which page?

5 Q. I think we're on page 11 of the
6 PDF.

7 A. Okay.

8 Q. Or actually, I'm sorry, let's jump
9 ahead to page 10603 Bates, and then that's going
10 to be page 18 of the PDF.

11 A. All right. Okay. I'm on page 18.

12 Q. Okay. If you look here, this is a
13 reporting chain of a misinformation concern from
14 you to Twitter, on October 10th; correct?

15 A. Yes, that's what it appears to be.

16 Q. And you're making this report at --
17 on the Saturday afternoon; right? Or is that an
18 early Saturday morning? It looks like it's a
19 Saturday afternoon, at 12:52 p.m., there at the
20 bottom of the page; do you see that?

21 A. I do.

22 Q. So you talked about this being
23 resource intensive. Were you guys staffing, you
24 know, the misinformation reports and doing the
25 switchboarding on nights and weekends?

1 A. So we ramped up as we got closer to
2 the election. At this stage I think it was
3 primarily me that would receive them over the
4 weekends. I forget when we started -- when I
5 started handing some of that off to my team to
6 also pick it up over the weekends.

7 But at some point, we did have
8 people on the schedule. It didn't mean that
9 they were 24/7 waiting for things, they just
10 needed to monitor their phones in case something
11 came in.

12 **Q. How -- so somebody was kind of**
13 **tasked with -- I think you called them shifts,**
14 **earlier -- someone was tasked with covering a**
15 **shift at all times, not at all times, but at**
16 **times over the weekend?**

17 A. Yeah, particularly as we got closer
18 to the election. I wouldn't say it was the
19 entire election cycle, it was -- I don't know
20 when it started, but probably sometime in
21 mid-October when -- when we started just shifts
22 so that people could review, before that it was
23 mostly me that would receive them from CIS.

24 **Q. And -- and then how about did you**
25 **ever have it where you were doing shifts in the**

1 **meddling of the night.**

2 A. No. I mean, technically, you would
3 be on for a day, if you're on your shift. But
4 there wasn't an expectation, if something came
5 in at 3:00 in the morning, that you were
6 forwarding it on.

7 **Q. How because between 11:00 and 12:00**
8 **at night?**

9 A. Yeah, I mean if you were awake at
10 11:00 or 12:00 at night, I think that we would
11 push it on, and then obviously on election --
12 election night we were -- we were up until at
13 least midnight. So if we received anything we
14 would push it forward.

15 But again, it was more when we got
16 into kind of off hours you just ask people to
17 monitor their phones, if they could, and if
18 something came in just to push it forward. But
19 the expectation that, as per this e-mail, that
20 they would be responsible for forwarding
21 something.

22 **Q. Let me ask you this: If you look**
23 **at this e-mail chain we're looking at, where it**
24 **says you would forward on a concern at 12:52**
25 **p.m., and looks like about 20 minutes later, on**

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1 a Saturday afternoon, maybe Saturday morning,
2 for them, Twitter responds and says: Thanks,
3 Brian, we will escalate; do you see that?

4 A. Yes.

5 Q. So it looks like the people at
6 Twitter are monitoring their phones to respond
7 promptly to your reports; is that right?

8 A. I mean, that would -- I don't know
9 what their monitoring behavior was, in this case
10 she certainly responded relatively quickly on a
11 Saturday.

12 Q. And that's not the only case, it
13 happens again and again and again, where you get
14 almost immediate responses from not just
15 Twitter, but Facebook and others; correct?

16 A. I mean, don't know. I'd have to --
17 I'm sure you could show me documents that would
18 who that, but I honestly don't know the
19 timelines of sends and returns.

20 Q. Well, you remember them pinging you
21 back promptly and being very responsive when you
22 would make reports like this?

23 A. They were generally responsive in
24 making sure that we knew that they received it,
25 yeah.

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1 Q. And not just received it, for
2 example, in this case, not long after that, at
3 6:30 p.m. the same day, she notifies you: These
4 tweets have actioned for violations of our
5 policies; right?

6 A. That's what the e-mail says, yep.

7 Q. And was that timeframe typical,
8 were they turning around, you know, content that
9 was flagged and taking action on it within hours
10 of your reports?

11 A. It's hard to say, because they
12 didn't always get back to us if they hadn't
13 taken any action. So I don't know if I would
14 say that's typical.

15 You know, sometimes they would let
16 us know, sometimes they wouldn't. Generally
17 speaking, I think they made their decisions
18 relatively quickly. So I would assume if they
19 did get back to me it would be relatively
20 quickly. But I can't speak to their timing or
21 their processes or any of that stuff. A lot of
22 times they just didn't let us know --

23 Q. But the more response --

24 A. -- to be honest, if they received
25 it.

1 Q. Sorry to interrupt.

2 A. Yeah, I just wanted to say,
3 normally we would get a note that they received
4 the messages I forwarded to them. We often
5 didn't receive any kind of notification that
6 they had taken action, no action, or what their
7 decision was, so it's hard to say kind of what
8 their typical timeline was for making decisions.

9 Q. Let me ask you this: Were they
10 more responsive to you, as a representative of a
11 federal national security agency, than they were
12 to ordinary people who made such reports, if you
13 know?

14 MR. GARDNER: Objection.
15 Objection, lack of foundation, calls for
16 speculation.

17 A. Yeah, I have no clue. I don't know
18 what the timeline was, generally.

19 Q. Were there ever discussions between
20 you or anyone at CISA and any one of the
21 platforms about making sure the platforms are
22 monitoring their e-mails for the -- the
23 government's reports of misinformation?

24 A. No.

25 Q. How about in the synch meetings

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1 that you talked about, between the USG and the
2 industry, was it ever brought up that, hey, you
3 know, we're going to have people standing by and
4 watching for misinformation reports so we can
5 move quickly on them?

6 A. Not that I recall. I believe on
7 election night several of the platforms set up
8 their own operations center. But I don't know
9 that there's ever a conversation about -- from
10 the government expecting platforms to have any
11 particular timeline.

12 Q. Again, these sort of e-mail --
13 e-mails that we're looking at here in Exhibit 9,
14 from you to the platform and the platforms
15 responding back about misinformation that you
16 guys have switchboarded to them, I take it
17 there's a set of e-mails like this, for not just
18 you, but also for Chad Josiah, Rob Schaul, Alex
19 Zaheer, John Stafford, and an intern that you
20 haven't named yet; right?

21 MR. GARDNER: Objection, compound.

22 A. So if I'm understanding your
23 question, would you find e-mails from those
24 individuals to platforms notifying them or
25 forwarding information from an election

1 official, so yes.

2 Would there likely be -- it's hard
3 for me to know if -- if they always responded
4 back, beyond the received, which I think was
5 pretty standard.

6 So I would assume that you would
7 find change with other members of the team,
8 where they sent something over to a platform and
9 the platform said received, so yeah, if that's
10 your question.

11 **Q. So in other words, at least those**
12 **five individuals I just listed were involved,**
13 **separate from the e-mails that we're looking at**
14 **that involved you, they were sending their own**
15 **e-mails, when it was their shift, to social**
16 **media platforms, flagging disinformation**
17 **concerns?**

18 A. Yeah, that's correct. But keep in
19 mind, over the entire course of the election I
20 think we forwarded about 200 e-mails, total. So
21 I would imagine the vast majority of them are
22 mine, because for a period of time I was the
23 principal one relaying it.

24 But then to answer your question,
25 yes, there's probably other e-mail chains with

1 those five representatives on it.

2 MR. GARDNER: So we've now been
3 going almost two hours. I think now would
4 probably be a good time for a break.

5 MR. SAUER: Let me ask one more
6 question, that's right on this topic, and how
7 about that or one little set of questions.

8 MR. GARDNER: Sure.

9 BY MR. SAUER:

10 **Q. Did you ever discuss with Alex**
11 **Zaheer what he did for the Election Integrity**
12 **Partnership?**

13 A. I'm sure I had conversations with
14 Alex about his work with SIO, which was part of
15 the larger integrity partnership.

16 **Q. What did you discuss with him about**
17 **his work for SIO?**

18 A. I think he just talked about that
19 he was participating in it, I don't know the
20 specifics of the conversation, but that he was
21 participating in it, and he was one of the
22 people that were working with the ticketing
23 system.

24 **Q. When you say: Working with the**
25 **ticketing system, what did he say he was doing**

1 **with the ticketing system?**

2 A. I don't recall. I mean, I was -- I
3 don't know how the ticketing system works, so I
4 don't know, kind of, how his role would have
5 played in there, what it was.

6 **Q. When you refer to the ticketing**
7 **system, is that the system that Stanford had for**
8 **receiving reports of disinformation that they**
9 **would analyze?**

10 A. Correct.

11 **Q. How about the other intern, the one**
12 **you haven't named yet, did you ever discuss with**
13 **that intern the work he did for the Stanford**
14 **Internet Observatory?**

15 A. I don't -- I don't recall. I don't
16 think -- certainly not in the level of detail
17 with Alex. Obviously Alex came to work for us,
18 so I have a little more familiarity with what he
19 did with SIO. So I don't -- I didn't have a
20 clear understanding of the other intern's role.

21 **Q. What did the other intern go on to**
22 **do?**

23 A. I don't know. As far as I know,
24 he's still at Stanford. But I don't know if he
25 graduated.

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1 MR. SAUER: Why don't we take a
2 break there.

3 MR. GARDNER: Okay. I mean, it is
4 now -- oh, let's go off the record.

5 THE VIDEOGRAPHER: The time is now
6 12:34. We're off the record.

7 (Recess.)

8 THE VIDEOGRAPHER: The time is now
9 1:41 p.m. We are back on the record.

10 MR. GARDNER: Thank you. And as I
11 had mentioned before we got back on the record,
12 the witness wanted to say something before we
13 began.

14 THE WITNESS: So the intern that
15 did both SIO and CISA push forwarding was Pierce
16 Lowary.

17 BY MR. SAUER:

18 Q. And is that L-o-w-a-r-y?

19 A. I believe so, yeah.

20 Q. And that intern worked
21 simultaneously with CISA and the EIP?

22 A. And SIO was a member of the EIP.

23 Q. Right. What did he do for SIO
24 while this was going on, do you know?

25 A. I don't.

1 Q. What did he do for CISA while this
2 was going on?

3 A. Again, he was part-time in the
4 fall, so he would support the analytic stuff,
5 and then, as I mentioned, he did some work in
6 terms of the switchboarding. I'm not --
7 obviously not sure the extent of the e-mails or
8 anything like that, that he would have forwarded
9 over to the platforms.

10 Q. Now, Pierce Lowary was involved in
11 forwarding e-mails over to the platforms?

12 A. Correct.

13 Q. And that's in addition to Chad
14 Josiah, Rob Schaul, Alex Zaheer, John Stafford,
15 and yourself; correct?

16 A. Correct.

17 Q. Anyone else, in 2020, who would
18 engage in those switchboarding e-mails?

19 A. I believe that was all.

20 Q. Was Pierce --

21 A. From my recollection.

22 Q. Was Pierce Lowary one of the four
23 interns who originated the idea of the EIP?

24 A. Yes.

25 Q. Okay. Who were the other two?

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1 A. I don't --

2 Q. Well, let me -- what about Alex
3 Zaheer, was he one of the ones?

4 A. Alex was one.

5 Q. The idea --

6 A. It got --

7 MR. GARDNER: Hold on, guys, you
8 keep talking over each other. So let Mr. Sauer
9 ask the question and then please answer.

10 John, can you re-ask it?

11 BY MR. SAUER:

12 Q. Was Alex Zaheer one of the four
13 interns who originated the idea of the EIP?

14 A. He was.

15 Q. And he went on, like Mr. Lowary, to
16 simultaneously work for CISA and for Stanford
17 Internet Observatory during the 2020 election
18 cycle?

19 A. Correct.

20 Q. Who were the other two interns who
21 originated the idea?

22 A. The fourth intern I do not know who
23 they're referring to, so I'm not sure who that
24 is.

25 The first intern is Isabella

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1 Camargo, I forget the rest of her last name, I'm
2 sorry. I'd have to look.

3 Q. Is it Isabella Garcia-Camargo?

4 A. Yes.

5 Q. Okay. When did she intern for
6 CISA?

7 A. Over the summer of 2020.

8 Q. Did she do that into the fall?

9 A. She did not.

10 Q. Did she go on in the fall to work
11 for Stanford -- Stanford Internet Observatory?

12 A. Yes.

13 Q. And did she work for Stanford
14 Internet Observatory during the summer, when she
15 was also working for CISA?

16 A. Yes.

17 Q. Who is Ayelet Drazen, D-r-a --

18 A. Hold on a second, I'm sorry, can
19 you repeat that last question?

20 Q. Which question, who is Ayelet
21 Drazen?

22 A. No, the one before.

23 Q. Did she work for Stanford Internet
24 Observatory during the time she was also working
25 for CISA?

1 A. I don't believe so, but I'm not
2 sure kind of their arrangement in the SIO front.
3 I think SIO was -- I think SIO may have been --
4 I'm not sure how that worked with SIO when
5 they're interns, but she did not work for us in
6 the fall, when she was working for SIO, that I'm
7 certain of, so I don't know what the
8 relationship was over the summer internship.

9 **Q. What -- what did she do for CISA?**

10 A. Again, like the other analysts,
11 typical intern stuff, supporting product
12 development, helping with, you know, any
13 research projects, standard kind of intern work
14 across the three panels I mentioned before,
15 engagement, product development, and analysis
16 research.

17 **Q. Who is Ayelet Drazen, D-r-a-z-e-n,**
18 **first name A-y-e-l-e-t?**

19 A. I don't know.

20 **Q. Who is Ashwin Ramaswami?**

21 A. I believe he was one of the
22 election security interns.

23 **Q. During 2020 at CISA?**

24 A. At least the summer of 2020. I
25 don't -- I don't know, kind of, how long he

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1 stuck around. I didn't really work with him.

2 Q. Is he another Stanford intern?

3 A. Yeah, I believe so.

4 Q. Did he go on to work for the
5 Stanford Internet Observatory?

6 A. I don't know. I don't know.

7 Q. How about Jack Cable, C-a-b-l-e?

8 A. He was a Stanford intern. I
9 don't -- I don't know what he did, after, just
10 for the summer, that I'm aware of, but I'm not
11 entirely sure. He didn't work on the MDM stuff
12 with me.

13 Q. What did he do at CISA, do you
14 know?

15 A. He was more cyber-focused, so I'm
16 not entirely sure, really, what his projects
17 are.

18 Q. Just a second, I'm e-mailing you
19 two new exhibits.

20 Let me ask this: Were you involved
21 in -- Mr. Scully, were you involved in preparing
22 CISA's discovery responses to written discovery
23 in this case?

24 A. I believe I provided names of the
25 team. And the IT folks searched my records for

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1 me.

2 Q. You provided names?

3 A. Don't ask --

4 Q. Names of the team, what does that
5 mean?

6 A. So I believe I provided names of
7 the people who are part of the MDM team or the
8 CFITF.

9 Q. So you provided names of key
10 custodians, for example, who might have relevant
11 e-mails in their inboxes, stuff like that?

12 A. Right.

13 Q. Okay. Were you involved in
14 drafting interrogatory responses?

15 A. If I recall correctly, I reviewed
16 some of them.

17 Q. Did you review the ones that were
18 submitted on behalf of CISA?

19 A. Yeah, those would have been the
20 only ones I reviewed.

21 Q. Before the break, you mentioned
22 that there were about 200 e-mails that CISA
23 forwarded to serve this switchboarding function
24 of routing disinformation concerns to the social
25 media platforms in 2020; right?

1 A. Yeah, give or take a few. I don't
2 know the exact number, but it's about 200.

3 **Q. How do you know how many there**
4 **were.**

5 A. Well, as I mentioned previously, we
6 kept a tracking spreadsheet. Everything we sent
7 over we logged.

8 **Q. Would you consult that tracking**
9 **spreadsheet when you were preparing or working**
10 **on responding to written discovery in this case?**

11 A. I don't recall that I did, it's
12 possible, but I don't recall doing it.

13 (Exhibit No. 12 was marked for
14 identification.)

15 BY MR. SAUER:

16 **Q. Let me show you Exhibit 12.**

17 A. Okay. That's a complaint.

18 **Q. It should be amended interrogatory**
19 **responses that have also been filed publicly**
20 **with the Court as document 86-3?**

21 MR. GARDNER: I'd like to take a
22 look. Hold on.

23 THE WITNESS: I don't know.

24 MR. GARDNER: Hold on one sec.

25 Yeah, that's right. That's right.

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1 THE WITNESS: Okay.

2 BY MR. SAUER:

3 Q. Can you go to page 19 of that
4 document? I've also got it up on the screen
5 share.

6 A. All right. Page 19? Okay. I'm at
7 19.

8 Q. In here, at the bottom of page 19,
9 you see where it says: CISA, colon?

10 A. Yes.

11 Q. It's identifying people with
12 relevant communications response to our
13 discovery requests.

14 CISA has identified the following
15 custodians as having relevant communications as
16 produced in the response to requests two and
17 three; correct? Do you see that?

18 A. I do.

19 Q. CISA custodians listed are Jen
20 Easterly, Christopher Krebs, Matt Masterson,
21 Geoff Hale, Brian Scully, and Lauren Protentis;
22 right?

23 A. Yep.

24 Q. So these other people, Chad Josiah,
25 Rob Schaul, Alex Zaheer, John Stafford, Pierce

1 Lowary, who were involved in forwarding e-mails
2 to social media platforms to flag them, were not
3 disclosed in this part of the interrogatories;
4 correct?

5 A. I think if you scroll down another
6 paragraph, you would see most of those names.

7 Q. Yeah, that's extremely interesting,
8 isn't it? Very next paragraph it says, oh,
9 we've also identified some other people as
10 appearing in the communications you produced,
11 and it lists four of those five people, Chad
12 Josiah, Robert Schaul, Alex Zaheer, John
13 Stafford; right?

14 A. Yes, that's who is listed there.

15 Q. It appears --

16 A. I don't know that that's
17 interesting.

18 Q. It's interesting that CISA knew
19 about the involvement of these people and
20 relevant communications, but didn't search their
21 inboxes in response to our discovery requests;
22 isn't that what this indicates?

23 A. I have no idea what this indicates.

24 Q. Well, let me ask you this: You
25 testified before the break that those four

1 people there, plus Pierce Lowary, who you just
2 disclosed, all forwarded disinformation reports
3 to social media platforms as part of the
4 switchboarding function; isn't that right?

5 A. They were all part of the
6 switchboarding function. I don't know who sent
7 e-mails or how many e-mails or any of that.

8 Q. But you testified that they took
9 shifts and sent e-mails to social media
10 platforms reporting this information; correct?

11 A. They took shifts, and if they
12 received something they would have sent an
13 e-mail. But without going through the
14 spreadsheet that I mentioned I wouldn't know if
15 an actual individual was on a shift, sent one,
16 but that would be my expectation that they did.

17 Q. What was the last --

18 A. There were generally two people
19 per -- there were generally two people per
20 shift, so it's possible that just one of those
21 two people were sending e-mails.

22 Q. Pierce Lowary is not identified
23 anywhere in these discovery responses, is he?

24 A. I mean, he's not identified in
25 these. This is a small section. I don't know

1 if he is elsewhere.

2 Q. Well, you said you reviewed them
3 when they were being prepared. Do you remember
4 seeing his name anywhere -- anywhere in the
5 government's discovery responses?

6 A. I don't recall, but I wouldn't
7 have -- I don't think I would have reviewed the
8 entire document, so I don't know.

9 Q. Who would have --

10 A. Obviously, I didn't see the final
11 document.

12 Q. Who would have reviewed the final
13 document?

14 MR. GARDNER: Objection, calls for
15 speculation.

16 BY MR. SAUER:

17 Q. If you know.

18 A. Yeah, I don't know.

19 MR. SAUER: Exhibit 62, which I've
20 also e-mailed you.

21 MR. GARDNER: John, did you say 62?

22 MR. SAUER: 62, should be the most
23 recent one in your inbox.

24 THE WITNESS: Okay. Okay.

25 (Exhibit No. 62 was marked for

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1 identification.)

2 BY MR. SAUER:

3 Q. Here's Jack --

4 A. Is it the -- sorry, go ahead.

5 Q. This is Jack Cable's publicly
6 available online LinkedIn profile; do you see
7 that?

8 A. I do.

9 Q. If you scroll down, a fifth page of
10 this document, it looks like he was a research
11 assistant at Stanford Internet Observatory from
12 2019 to 2021; correct?

13 A. That's what it says, yep.

14 Q. And that he ended in June of 2021,
15 correct, at SIO?

16 A. That's what it says, yeah.

17 Q. And immediately below that, it
18 looks like he was an election security technical
19 advisor at CISA from June 2020 to January 2021;
20 correct?

21 A. That's what he says.

22 Q. So he also overlapped, for an
23 entire year, in working simultaneously for CISA
24 and for the SIO; correct?

25 MR. GARDNER: Objection, lack of

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1 foundation.

2 BY MR. SAUER:

3 Q. According to his LinkedIn profile?

4 MR. GARDNER: Same objection.

5 A. LinkedIn profile says he worked at
6 CISA for eight months.

7 (Reporter admonition.)

8 THE WITNESS: Sorry.

9 A. The LinkedIn profile said he worked
10 at CISA for eight months.

11 Q. Right. Does the LinkedIn profile
12 also indicate that during those same eight
13 months, from June of 2020 to January of 2021, he
14 also was an intern -- a research assistant at
15 Stanford?

16 A. It appears that way, yep.

17 Q. Were you aware that Jack Cable was
18 working for Stanford Internet Observatory while
19 he was also interning for CISA?

20 A. No. Jack didn't work for me, so I
21 didn't really pay attention to what he was
22 doing.

23 Q. He shares this simultaneous
24 employment with SIO and CISA, along with Alex
25 Zaheer and Pierce Lowary; correct?

1 MR. GARDNER: Objection, lack of
2 foundation.

3 BY MR. SAUER:

4 Q. Correct?

5 A. I'm sorry, could you repeat the
6 question?

7 Q. Pierce Lowary and Alex Zaheer also
8 simultaneously worked for CISA and SIO; correct?

9 A. They did.

10 Q. And then, if you scroll up a little
11 bit, to the page before, it looks like he went
12 on to work for the Krebs-Stamos Group; were you
13 aware of that?

14 A. No, I don't think so.

15 Q. And then he went on to work for the
16 senate; correct? Does that ring a bell?

17 A. I mean, it's what it says here.

18 Q. So you didn't know what Jack Cable
19 went on to do after he left CISA?

20 A. No, I didn't really pay attention
21 to what -- like I said, he didn't work for me,
22 so I didn't really follow him. In fact, I'm --
23 a couple of my interns I'm not sure what they're
24 doing, either.

25 Q. Let's go back to Exhibit 9.

1 Is it possible that Jack Cable was
2 another one of the interns who originated the
3 EIP? You mentioned there's one, and you're not
4 sure if it was them?

5 MR. GARDNER: Objection, calls for
6 speculation.

7 A. Yeah, I wouldn't know. I wouldn't
8 know.

9 Q. Let's go to page 8769 in this
10 document, Exhibit 9.

11 A. Do you know what the PDF page is,
12 John?

13 Q. I'm scrolling down to it, so I'll
14 tell you as soon as I know the answer.

15 A. Okay.

16 Q. I think it's PDF page 62.

17 A. All right.

18 Q. All right. If you see here, it
19 looks like Alex Zaheer, on October 30th, sends a
20 report about misinformation to CFITF, which is
21 the CISA reporting e-mail address; correct?

22 MR. GARDNER: John, I'm sorry, are
23 you going to post this on the -- on the live
24 screen for us?

25 MR. SAUER: I'm sorry, I didn't

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1 realize it wasn't up. Can you see it on the
2 screen share?

3 MR. GARDNER: Yeah, we got it now.

4 Thank you.

5 BY MR. SAUER:

6 Q. Alex Zaheer, on October 30th, sends
7 an e-mail to CFITF; correct?

8 A. Yep.

9 Q. And he's actually --

10 A. Yes.

11 Q. He says: FYSA, EIP has reported
12 the following to EI-ISAC and Twitter from EIP,
13 and then he reports on an EIP ticket; correct?

14 A. Correct.

15 Q. And then this -- you responded to
16 him, Thanks Alex; do you see that on the page
17 before?

18 A. Yes.

19 Q. And then you sent an e-mail, it's
20 not clear to whom, saying: FYI, the EIP,
21 submitted the below to Twitter, no need to
22 respond. But it looks like you were saying that
23 to Twitter; right?

24 A. Yeah, there's no header there, so
25 I'm not certain, but that's what it appears.

1 Q. It appears that from your intern,
2 who was simultaneously working for EIP, you
3 received a report of alleged misinformation and
4 submitted it onto Twitter; right?

5 A. Yeah.

6 Q. And then -- and that was an
7 EIP-specific report; correct?

8 A. Yep.

9 Q. And then Twitter responded and
10 said, thanks Brian, we received that report from
11 the EIP and escalated it; correct?

12 A. Yes.

13 Q. And then she goes on to specify to
14 you the action they took against that; correct?

15 A. Yeah, on a contextual label
16 pursuant to their policy on civic integrity,
17 yeah.

18 Q. Were there other instances where
19 this occurred, where an EIP report was forwarded
20 to you, and you forwarded it onto -- to a social
21 media platform?

22 A. As I said earlier, it's possible,
23 but I don't recall.

24 Q. How about --

25 A. It was our standard practice.

1 Q. How about the other five people who
2 were monitoring these misinformation reporting
3 e-mails, did they ever review that, do you know?

4 MR. GARDNER: Objection, calls for
5 speculation.

6 A. Yeah, I don't know. Again, it
7 wasn't part of our normal process, so I'm not
8 sure.

9 Q. Would that be reflected in this
10 spreadsheet you referred to multiple times?

11 A. Yeah, it should be.

12 Q. So if there was -- if the EIP is
13 referenced or is the originator of the report
14 you would note that in the spreadsheet?

15 A. I believe so. I believe we would
16 have the case number.

17 Q. Can you scroll back up to page 33
18 of the PDF?

19 A. Yep.

20 Q. It's Bates 8349.

21 A. 8349, yep.

22 Q. You see at the top of this page
23 there's a misinformation report from Oregon,
24 that's being sent on by the CIS, Center For
25 Internet Security, reporting e-mail; do you see

1 that?

2 A. Yes.

3 Q. And it's sent to you and a couple
4 other CISA e-mails or -- CISA e-mails, there in
5 the first line; right?

6 A. Yep.

7 Q. In the second line it's sent to
8 tips@2020partnership.atlassian.net; do you see
9 that?

10 A. I do.

11 Q. What is that?

12 A. I don't know.

13 Q. Is that the reporting e-mail for
14 tips to the 2020 Election Integrity Partnership?

15 MR. GARDNER: Objection, calls for
16 speculation, also, asked and answered.

17 A. Yeah, I don't know what it is.

18 Q. Is it your testimony that you're
19 not aware whether or not that's the reporting
20 e-mail for the EIP?

21 A. Yeah, I'm not aware -- the answer
22 is, I'm not aware of what e-mail that is.

23 Q. Were you aware that -- did you
24 notice that CIS was commonly forwarding these
25 reports to both you and that

1 **tips@2020partnership e-mail?**

2 A. I'm not sure that I paid that much
3 attention to it, no.

4 **Q. You didn't notice --**

5 A. Again, yeah, I wasn't -- I guess
6 that I wasn't aware of what processes they were
7 following.

8 **Q. So you didn't know they were**
9 **looping in the EIP on their reports; is that**
10 **what you're saying?**

11 A. I don't recall it, but again, as we
12 discussed earlier, it could have been part of
13 the effort to deconflate for the platforms.

14 **Q. Up here on page 51 of the PDF,**
15 **scrolling to the bottom of that page down to 52,**
16 **here's another CIS report. Once again, it's**
17 **sent to you at -- to CISA e-mails and**
18 **tips@2020partnership@atlassian.net; correct?**

19 A. Yeah, I see the e-mail address in
20 there.

21 **Q. And you don't recall that being --**
22 **you getting copied -- that being copied on**
23 **e-mails of this nature?**

24 A. I don't.

25 **Q. Really briefly, jumping ahead to**

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1 page 10539, page 55, once again, CIS is copying
2 you and tips@2020partnership.atlassian.net;
3 correct?

4 A. That's the e-mail, yes.

5 Q. Jumping ahead to page 7565, here's
6 a report from the Colorado secretary of state's
7 office. Do you see, we're on page 59 of the
8 PDF, where they're reporting it to EI-ISAC,
9 CISA, and Stanford Partners; correct?

10 A. That's what the e-mail says, yep.

11 Q. It says Stanford is presumably --
12 MR. GARDNER: Objection, calls for
13 speculation.

14 A. Yeah, I don't know what they mean
15 by Stanford.

16 Q. Do you think Stanford might be some
17 other Stanford entity to which state and local
18 election officials are reporting disinformation
19 concerns --

20 MR. GARDNER: Objection.

21 BY MR. SAUER:

22 Q. -- during the 2020 cycle?

23 MR. GARDNER: Objection, calls for
24 speculation, lacks foundation.

25 ///

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1 BY MR. SAUER:

2 Q. Do you know?

3 A. I don't know.

4 Q. Scrolling above this, again, CIS
5 forwards this to you and tips22020partnership,
6 that reporting e-mail or that e-mail address;
7 correct?

8 A. Are you up on -- what page are you
9 on now?

10 Q. Page 58 of the PDF, immediately
11 above, shows CIS forwarding that report from
12 Colorado secretary of state's office to both you
13 and tips@2020partnership.atlassian.net?

14 A. So Colorado sends to CIS, CIS sends
15 to me, CISA, and atlassian.net, okay.

16 Q. And you forward this onto -- to
17 Twitter; correct, immediately above that?

18 A. So again, there's no header, but
19 the response is from Twitter, so that's what I
20 assume.

21 Q. And you -- they say -- you say:
22 Please see below reporting from Colorado. These
23 do not appear to be connected to the imposter
24 parody accounts previously shared; correct?

25 A. Correct.

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1 Q. And Twitter responds within 15
2 minutes: We will escalate. Thank you; correct?

3 A. Correct.

4 Q. Okay. And if you scroll down a
5 couple pages, you see that Colorado secretary of
6 state's office has flagged some parody or
7 imposter accounts, including one with 14
8 followers; correct?

9 A. What page are you on?

10 Q. 59 of the PDF.

11 A. 59 of the PDF? I don't see what
12 you're talking about there. This is the same
13 e-mail chain we were just talking about.

14 Q. Maybe look up at the screen share,
15 can you see where secretary of state's office
16 has forwarded a screen shot of a Twitter
17 account, it's got 14 followers?

18 A. I do.

19 Q. And secretary of state's office in
20 Colorado says: These are concerning to us here
21 in Colorado because of their recent FBI/CISA
22 warnings about impersonation accounts; correct?

23 A. That's what it says, yep.

24 Q. So they say that we're reporting
25 this because it -- because it's the sort of

1 things that the FBI and CISA warned us may
2 warrant reporting; right?

3 A. I mean, I don't want to speak for
4 the secretary of state, but that's kind of how
5 the account sentence reads.

6 Q. Did you -- in fact, were you
7 involved in warning state and local election
8 officials about impersonation accounts spreading
9 false information about the election?

10 A. I'm sure I would have reviewed a
11 document that went out along those lines. I'm
12 not aware of the document, but I'm sure if it
13 went out I would have reviewed it.

14 Q. Do you remember reviewing it?

15 A. They put out -- in 2020 we put out
16 a couple of joint FBI and CISA products. I
17 don't remember specifically which one this is,
18 but it certainly sounds like something we would
19 do.

20 Q. Okay. Scrolling down, there's
21 another one they're flagging here, that if you
22 didn't know, it has two followers; correct?

23 A. So it appears.

24 Q. And you forwarded that onto
25 Twitter, and Twitter said: We'll escalate;

1 right?

2 A. Yes. They said they will escalate.

3 Q. Moving onto page 10512, just a few
4 pages down, that's going to be page 63 of the
5 PDF.

6 A. Okay.

7 Q. Do you see here in the middle,
8 here, it's an inquiry from Twitter, and she
9 says: Hey Brian, can we talk about CIS
10 misinformation reporting duplicate reports to
11 EIP, possible to have just you escalate;
12 correct?

13 A. Yeah, that's what the e-mail says.

14 Q. What is she talking about, is this
15 the duplicate reporting issue that you talked
16 about earlier, where they were getting reports
17 from you and EIP and CIS?

18 A. That's what I would imagine it is,
19 yeah.

20 Q. Okay. Do you remember anything
21 about this? We're talking about October 27th,
22 so, you know, maybe a week before the 2020
23 election, do you remember the social media
24 platform is having this concern about duplicate
25 reports from CIS and EIP?

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1 A. I remember Twitter, in particular,
2 having that concern.

3 Our screen is screwy again.

4 THE REPORTER: Can we go off the
5 record?

6 MR. SAUER: Yeah, we can go off the
7 record.

8 THE VIDEOGRAPHER: The time is now
9 2:11 p.m. We're off the record.

10 (Recess.)

11 THE VIDEOGRAPHER: The time is now
12 2:13 p.m. We are back on the record.

13 BY MR. SAUER:

14 **Q. Okay. So -- and then, Mr. Scully,**
15 **you responded to this: So here's the deal, EIP**
16 **will only report something to Twitter if they**
17 **have additional context to provided based on**
18 **their research; correct?**

19 A. That's what I wrote, yes.

20 **Q. How did you know that was going to**
21 **be their policy or their practice, did you talk**
22 **to EIP?**

23 A. I would imagine I did.

24 **Q. Who did you talk to?**

25 A. I don't recall.

1 Q. And that he goes on -- or you go on
2 to say, they will not send Twitter reporting
3 unless it has that additional context that would
4 help you make a decision; correct?

5 A. Yep.

6 Q. And then it says: EIP will also
7 let CISA know when they are reporting something
8 to you so I can give you a heads up; correct?

9 A. Yep.

10 Q. Is that what happened after this
11 e-mail, did EIP report to you when they were
12 reporting something to the social media
13 platforms?

14 A. I don't recall that, in practice.
15 Although, obviously, we just went through each
16 one e-mail that did that. I don't remember it
17 being a common thing but, again, I don't -- I
18 don't know. It's possible.

19 Q. Okay. And then it says: EIP will
20 continue to use the CIA -- CIS case number to
21 facilitate identifying duplicative reports;
22 correct?

23 A. Yep.

24 Q. So EIP was talking to CIS enough to
25 know what CIS's misinformation reporting case

1 **numbers were; right?**

2 A. I don't know. I don't know if
3 that's true.

4 **Q. Were you aware that EIP was using**
5 **CIS's case numbers, because you said it in this**
6 **e-mail?**

7 A. Yep, I mean, if that's what I
8 wrote, that's probably what they were doing.

9 **Q. Okay. Do you remember discussing**
10 **that with CIS or EIP that they were going to,**
11 **you know, kind of share case numbers?**

12 A. I don't recall any such
13 specificity. I know we had a conversation. I
14 recall that we had conversations about how to
15 de-duplicate, make sure we weren't overtaxing
16 Twitter, in particular.

17 **Q. And that de-duplication process**
18 **involved some kind of coordination between you,**
19 **EIP and CIS; correct?**

20 A. Again, reading this, it appears we
21 are just making sure we are sending something
22 over and everybody is aware of it.

23 **Q. Right. So everybody would tell**
24 **everybody else that they were sending something**
25 **over, and there was an attempt to avoid sending**

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1 **duplicative reports to Twitter?**

2 MR. GARDNER: Objection, compound.

3 BY MR. SAUER:

4 **Q. Correct?**

5 A. Yeah, can you -- can you break
6 that -- can you start that over again?

7 **Q. Was there an agreement for EIP and**
8 **CIS and CISA to coordinate and let each other**
9 **know what they were reporting to platforms like**
10 **Twitter?**

11 A. I think that's generally right,
12 yeah.

13 MR. SAUER: Let me send you a
14 couple more exhibits, 10 and 11. I'm going to
15 pull up 10 on the screen share while you're
16 waiting.

17 MR. GARDNER: John, do you -- John,
18 did you send them over?

19 MR. SAUER: Yeah. They should be
20 in your inbox.

21 MR. GARDNER: Yeah, I'm looking.

22 MR. SAUER: They're in my sent box.

23 MR. GARDNER: Okay. I believe you.

24 Hold on.

25 (Exhibit No. 10 was marked for

1 identification.)

2 BY MR. SAUER:

3 Q. Let me ask this: Can you see it on
4 the screen share?

5 A. I can.

6 MR. GARDNER: You haven't shared it
7 yet, John.

8 THE WITNESS: Trick question.

9 BY MR. SAUER:

10 Q. Now can you see it on the screen
11 share?

12 A. Yes.

13 Q. Just looking here at the first
14 page, you know, this exhibit is a collection of
15 your switchboarding e-mails from November of
16 2020, do you see you, are copied here on
17 misinformation report from CIS on November 2nd
18 of 2020?

19 A. Yes.

20 Q. Once again, CIS continues to copy
21 tips@2020partnership.atlassian.net; do you see
22 that?

23 A. I do.

24 Q. Does that ring a bell for you about
25 what that e-mail is, after we talked about that

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1 last e-mail, where you were arranging to
2 coordinate with EIP about de-duplicating reports
3 to social media platforms?

4 A. I forget. I don't recall the
5 e-mail. If you tell me that that was the tips
6 for the 2020 EIP I would believe you.

7 Q. Okay. Let me scroll down a page to
8 Bates 13603.

9 A. What page was that? I'm sorry.

10 Q. Bates 13603, 10 of the PDF.

11 A. Okay.

12 Q. You see here there's a report from
13 the Iowa secretary of state's office on November
14 2nd, that's sent to CIS; do you see that?

15 A. Just scrolling through it, sorry.
16 Give me a second. Yes.

17 Q. And then it looks like the Iowa
18 secretary of state's office also sent this to
19 three FBI e-mail addresses; right, with the
20 recipients redacted, FBI number two, FBI number
21 three, and FBI number four; correct?

22 MR. GARDNER: Lack of -- objection,
23 lack of foundation.

24 A. I don't see the e-mail addresses
25 you're referring to.

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1 Q. Do you see @FBI, if you look on the
2 screen share, @FBI.gov?

3 MR. GARDNER: Same objections.

4 BY MR. SAUER:

5 Q. With the handle omitted, three
6 e-mails?

7 A. Okay.

8 Q. Were you aware of the FBI being
9 involved in receiving misinformation reports
10 from state and local elections officials?

11 A. Generally speaking, we tell
12 election officials to report what they saw to
13 either DHS or the FBI, and it would end up where
14 it needed to be.

15 Q. So you told them to report it to
16 either DHS or the FBI?

17 A. Correct.

18 Q. Who at the FBI was receiving those
19 kinds of reports?

20 A. I don't know. I think it --

21 Q. Go ahead.

22 A. Generally speaking, the FBI has
23 field offices, and so the idea was if they
24 were -- election officials had established
25 relationships with the FBI field office and the

1 elections coordinator in that office, and that's
2 where they wanted to report it, that they could
3 do so.

4 Q. So there was -- these FBI officials
5 tended to be FBI field officers -- officers?

6 A. I don't want to speculate, but --
7 but again, that was, you know, us trying to --
8 to help the election officials, just if they had
9 something they needed to report, if they had as
10 many different options to do that as possible.

11 Q. Okay. Do you know what FBI did
12 with its misinformation reports, was it
13 switchboarding them like you guys were doing?

14 A. I don't know, to be honest.

15 Q. Is that notion that you could
16 forward things to the FBI, is that something
17 that was discussed in those USG
18 industry-specific meetings you talked about?

19 A. I -- not that I recall, but it's
20 possible we -- we talked to them about the
21 guidance we gave to election officials, that
22 election officials could it either way, but I
23 don't recall specific conversations along those
24 lines.

25 Q. Can you scroll down to the page 27

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1 of the PDF.

2 A. Let's go. Okay.

3 Q. If you look here, kind of at the
4 bottom of this text chain, Aaron Wilson, he's
5 your contact at CIS; right?

6 A. Correct.

7 Q. And he's forwarding something to --
8 November 3rd, with a report about alleged
9 election misinformation; right?

10 A. Well, poll worker Erie PA says
11 announces on Instagram they will throw away
12 Pro-Trump votes, that's what you're talking
13 about?

14 Q. Yeah.

15 A. That's the subject of the e-mail.

16 Q. He uses the EIP case number for
17 this report; correct?

18 A. He does.

19 Q. And he sent it to CISA at the CFITF
20 e-mail; correct?

21 A. He does, correct.

22 Q. And the CFITF e-mail forwards it to
23 you, and you forward it to Matt Masterson at
24 Facebook; correct?

25 A. No, that's not correct. I -- Matt

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1 was still at CISA at the time. I forwarded it
2 to Saleela Salahuddin at Facebook.

3 Q. Copying Matt Masterson?

4 A. I'm sorry?

5 Q. Copying Matt Masterson?

6 A. Yeah, who was at CISA. You said he
7 was at Facebook. I just wanted to make sure
8 that that was clear that he was still --

9 Q. I'm sorry, I meant to say and
10 Facebook, not at Facebook?

11 A. Gotcha.

12 Q. And then Facebook came back to you
13 for clarification; right? Do you recall that?

14 A. So we -- sorry, go ahead.

15 Q. Go ahead, what were you going to
16 say?

17 A. I said, just to be clear, we
18 forwarded the statement from Pennsylvania about
19 that incident to Facebook and Matt Masterson.

20 Q. And so --

21 A. That's what is here.

22 Q. And they -- and it looks like
23 Facebook asked you, could you please confirm
24 that, A, the worker in question who was
25 supposedly destroying Pro-Trump ballots is not a

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1 poll worker, or B, that he did not, in fact,
2 destroy ballots or at least there's no evidence
3 he did.

4 So Facebook asked you, Brian Scully
5 and Matt Masterson, for that clarification;
6 right?

7 A. They did.

8 Q. Yeah, and then you responded: Not
9 sure I understand the distinction you're trying
10 to make, but both components of the narrative
11 are false. The person is not a poll worker and
12 no ballots were destroyed. I suppose that makes
13 the entire thing a hoax; correct?

14 A. Yeah, that was my response.

15 Q. What was your basis for concluding
16 that both components of the narrative were
17 false?

18 A. I believe the statements from
19 Pennsylvania. I assume if you have that
20 document we can take a look and confirm.

21 Q. You read the statement from
22 Pennsylvania and reported its content back to
23 Facebook?

24 A. Correct.

25 Q. Okay. Did you -- did that happen

1 from time to time, where you wouldn't just
2 forward the disinformation concern, but then you
3 would provide, you know, information that would
4 help debunk it through the social media network?

5 A. I think I frame it a little
6 differently, if social media platforms needed
7 additional information from an election official
8 we would try to support that. There was also
9 one time when I believe it was Facebook had a
10 question about DHS immigration and customs
11 enforcement having agents going places where we
12 also provided a response back on a specific
13 piece.

14 But generally speaking, we would do
15 what we did here, which is if the -- if the
16 jurisdiction made a public statement or if there
17 was additional information the jurisdiction
18 could provide, and the platforms asked for it,
19 that we would try to facilitate getting the
20 information they asked for.

21 Q. Did you merely relay that
22 information, the sort of debunking information
23 from the election official, would you sometimes
24 find it on your own and helpfully supply it to
25 the social media platform?

1 A. If it was a public statement, I'm
2 sure we pulled it ourselves. If there was not a
3 public statement, I would imagine we would go
4 back to the election official.

5 **Q. But you might --**

6 A. I don't know --

7 **Q. Go ahead.**

8 A. Sorry, I don't want to say that
9 every case was exactly like that, but again, if
10 there was a public statement that was put out by
11 the jurisdiction, we would -- we would defer to
12 that.

13 **Q. Did you take any steps to find**
14 **out -- for example, suppose there's a public**
15 **statement that disputes what a private citizen**
16 **has said on Facebook or Twitter, would you do**
17 **further research to figure out who was telling**
18 **the truth or would you just relay the official**
19 **government explanation of the incident to the**
20 **social media platforms?**

21 A. We would relay the -- the official
22 statement from the jurisdiction.

23 **Q. I take it sometimes you would go**
24 **find that official statement on your own, and**
25 **sometimes you would reach out to the state or**

1 **local jurisdiction to see if they issued a**
2 **statement?**

3 A. Yeah, we would find, I think it
4 implies that we were doing a rigorous search.
5 Generally, we would be aware if a jurisdiction
6 put out a statement and we would just pull it
7 ourselves.

8 **Q. Look ahead to --**

9 A. And sometimes --

10 **Q. Go ahead.**

11 A. Sorry.

12 Sometimes we would reach out to the
13 jurisdiction and they would just provide the
14 statements that they had already made public, as
15 well.

16 **Q. Would you relay that to the social**
17 **media platform?**

18 A. Yeah, if they were asking for
19 additional information we would.

20 **Q. Here's another one, page 35 of the**
21 **PDF, Bates 8663. Do you see that on the screen**
22 **share?**

23 A. I'm scrolling down to it. 8663?

24 **Q. Yeah.**

25 A. Yep.

1 Q. And here in this e-mail chain it
2 looks like it's another situation where Twitter
3 asked for some clarification, for example, she
4 says, on November 6th, have Pennsylvania state
5 officials provided initial information to you on
6 the authenticity of the video or the
7 circumstances under -- underpinning it; do you
8 see that?

9 A. I do.

10 Q. And then you respond, scrolling
11 back up, you say: There are two reports in the
12 e-mail chain, and you explain what you
13 understand what Pennsylvania is saying about the
14 disputed information; right?

15 A. Sorry, I'm just scrolling down to
16 make sure I understand the context of the chain.

17 Okay. Sorry. Could you repeat the
18 question?

19 Q. Sure. My question is: You
20 provided clarification to the social media
21 platform about what you believe the Pennsylvania
22 reporter meant; correct?

23 A. I don't believe that is correct.

24 Q. Well, did you say, for example, on
25 the authenticity Pennsylvania states in the very

1 first e-mail that they believe the videos are
2 false and we're reaching out to our partners to
3 validate; correct?

4 A. Correct.

5 Q. Okay. And then, later that day, if
6 you scroll up, you say: Hey, to Twitter, just
7 came across this debunk of the video on Twitter;
8 correct?

9 A. Yes.

10 Q. And then -- so you are looking
11 around to find information that would debunk it;
12 correct?

13 A. I don't know if that's correct.
14 It's possible somebody just let us know that
15 there was something there.

16 Q. And then 17 minutes later Twitter
17 responds, thank you so much, we applied a label
18 to the tweet; correct?

19 A. Yes, that's what they said back,
20 correct.

21 Q. Scroll down to page 8669.

22 A. What page of the PDF?

23 Q. 46.

24 A. 46?

25 Q. Yes. And here you've got a

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1 misinformation report from the secretary of
2 state of Arizona's office; do you see that?

3 A. Yes.

4 Q. It says: This post is on a private
5 Facebook page, above. I've included a screen
6 shot; correct?

7 A. That's what the Arizona e-mail
8 says, yep.

9 Q. How did they -- was that unusual
10 for them to report statements on a private
11 Facebook page?

12 A. I don't -- I don't know. We didn't
13 do any analysis of that kind.

14 Q. Okay. So you don't know whether
15 someone was monitoring how posts appeared on a
16 private Facebook page containing alleged
17 misinformation?

18 A. I don't know how Arizona secretary
19 of state came across that information, no.

20 Q. Dropping ahead to page 864, now.
21 Here at 954 --

22 A. I'm sorry.

23 Q. Sorry.

24 A. 54?

25 Q. Oh, sorry, page 54 of the PDF, yes,

1 sorry. Actually, no, I'm sorry, that's not the
2 right page.

3 A. Okay.

4 Q. No, sorry, page 59 of the PDF?

5 A. 59? Okay.

6 Q. Here's a chain on Tuesday, November
7 10th, at 7:23 in the evening, you forwarded a
8 report of information -- misinformation to
9 Twitter; correct, at 7:23?

10 A. Yeah, that's what appears, there's
11 no header on the e-mail, but considering the
12 responses is from Twitter, I assume that's who I
13 sent it to.

14 Q. And Twitter responds in two
15 minutes, we will escalate; right?

16 A. Yep.

17 Q. And then Twitter responds here a
18 few minutes later, after midnight, at 12:11
19 a.m., hey, we labeled all the tweets except two;
20 right?

21 A. Yes.

22 Q. So Twitter was working on this well
23 into the evening, along with -- were you guys
24 doing that well into the evening?

25 MR. GARDNER: Objection, compound.

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1 BY MR. SAUER:

2 Q. Timeframe?

3 A. So was Twitter working on it well
4 into the evening? I mean, I guess. Were we?
5 Again, if somebody was checking the phone, most
6 of the post-election stuff would have been me.
7 We would have done something with it, but it
8 wasn't a requirement.

9 (Exhibit No. 11 was marked for
10 identification.)

11 BY MR. SAUER:

12 Q. And showing you Exhibit 11, which
13 should be in your inbox.

14 MR. GARDNER: Yeah, I think that's
15 right.

16 A. Okay.

17 Q. On the last page of this PDF,
18 there's an e-mail from Aaron Wilson?

19 MR. GARDNER: I'm sorry, John, do
20 you want to post it on the screen?

21 MR. SAUER: Oh, thank you.

22 MR. GARDNER: You don't need to, if
23 you don't want to, I mean, we have the --

24 MR. SAUER: I got it, I mean, I
25 thought it was up.

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1 BY MR. SAUER:

2 Q. Last -- see it, last page of the
3 PDF, there's a report from CIS.

4 A. Yeah.

5 Q. Actually, this is, interestingly, a
6 report from CIS to Gwinnet County; right? Where
7 they say: Hi Kristi, the EI-ISAC and our
8 partners at the Election Integrity Partnership
9 are tracking a social media post that's getting
10 traction very quickly; right?

11 A. Yes, that's what the e-mail reads,
12 yeah.

13 Q. So this is a situation where the
14 reporting was actually originated by CIS or EIP
15 or actually, according to this e-mail, both of
16 them. They're the ones who noticed the
17 misinformation, online, first; right?

18 MR. GARDNER: Objection to form.

19 BY MR. SAUER:

20 Q. Correct?

21 A. That's what -- that's what the
22 e-mail appears to say, yeah.

23 Q. And they reached out, you know,
24 proactively to Gwinnett County asking them to
25 debunk it; right?

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1 A. Yeah, they're just trying to get
2 what was actually going on, yeah.

3 Q. Yeah, they say: We're tracking a
4 social media post that's gaining traction very
5 quickly. It's likely a misunderstanding, but
6 being portrayed as a nefarious act. If you can
7 clarify for us what is being shown, if it even
8 happened, we can work with the social media
9 platforms to try to have the post removed as
10 misinformation; correct?

11 A. Yeah, that's what he wrote.

12 Q. And then Gwinnett County comes back
13 with a -- a -- an explanation of the post;
14 correct?

15 A. Yes.

16 Q. And that's forwarded to Twitter by
17 CIS, along with their explanation; correct?

18 Well, actually, before they report
19 it to Twitter they report it to you; right?
20 Here's there's an e-mail that says --

21 A. Yeah.

22 Q. -- Brian and EIP --

23 A. Yes.

24 Q. Right? So Brian --

25 A. Yep.

1 Q. And EIP is Election Integrity
2 Partnership; right?

3 A. Yep.

4 Q. And that's what CIS says, and they
5 sent this to --

6 A. Yes.

7 Q. -- your e-mail, two CISA e-mails,
8 their own e-mail and
9 tips@2020partnership.atlassian.net; right?

10 A. Yep.

11 Q. So they sent this e-mail, where
12 they say: Brian and EIP, to you, two CISA
13 accounts, their own account, and
14 tips@2020partnership.atlassian.net; right?

15 A. Yep.

16 Q. So it appears that that
17 tips@2020partnership e-mail is an EIP e-mail;
18 right?

19 MR. GARDNER: Objection, asked and
20 answered, multiple times.

21 BY MR. SAUER:

22 Q. Does that refresh your memory?

23 A. I wouldn't say refreshes my memory,
24 but it's going on CISA or CIS e-mail there, so
25 it's probably a reasonable assumption to make.

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1 Q. Then you forward this on, having
2 received the report from CIS; right?

3 A. Yep.

4 Q. And then @Twitter reports back to
5 you, and says, they labeled the tweet and are
6 taking steps to limit trending; right?

7 A. Yes.

8 Q. What does that mean to take steps
9 to limit trending; do you know?

10 MR. GARDNER: Objection, calls for
11 speculation.

12 A. Yeah, I don't know. Twitter has a
13 range of tools that they use. I couldn't
14 possibly speculate on what they were doing here.

15 Q. Let's put Exhibit 12 back up.
16 These are the interrogatory
17 responses.

18 MR. GARDNER: Yeah, hold on one
19 second, John. You said 12?

20 MR. SAUER: Yeah.

21 MR. GARDNER: Hold on one second.

22 MR. SAUER: Go to page 38.

23 THE WITNESS: 38.

24 MR. SAUER: Yeah, if you would.

25 THE WITNESS: Okay. I'm on page

1 38, John.

2 BY MR. SAUER:

3 Q. Oh, sorry, I'm on page 28. My
4 mistake.

5 A. All right.

6 Q. 38 asks that here, you see where it
7 says CISA, and it says: CISA responds that
8 meetings taking place with the social media
9 platforms relating to misinformation include,
10 but are not limited to, and then there's a
11 bullet list; right?

12 A. I think that is 38, not 28.

13 Q. Yeah, it should be on page 38?

14 A. Sorry. I thought you said 28. Let
15 me get back down there.

16 Q. Oh, I meant I was mistaken.

17 A. Okay. So there's a table, am I
18 looking below the table or above the table?
19 Below the table?

20 Q. Yeah.

21 A. Got you. Okay.

22 Q. Okay.

23 A. I'm sorry, what am I looking for?

24 Q. Were you involved in identifying
25 meetings between CISA and social media platforms

1 relating to misinformation in responding to
2 discovery requests?

3 A. Yes, I believe I was.

4 Q. What meetings did you identify?

5 A. Certainly these, the recurring
6 meetings listed here, that we talked about, the
7 preparation meeting we talked about, going
8 through the list, MDM, joint MDM working group,
9 I think I missed -- those are the ones I would
10 have identified.

11 Q. Start with the first one, first
12 bullet point, a recurring meeting usually
13 entitled USG industry meeting, which has
14 generally had a monthly cadence; right?

15 A. Yep.

16 Q. And that is the one that you refer
17 to as the sync meeting between industry and
18 social media platforms; correct? I'm sorry,
19 industry --

20 A. Right. Yes, that's correct.

21 Q. And you list there, I think seven
22 or eight social media platforms, and the
23 response, Google, Facebook, Twitter, Reddit,
24 Microsoft, and then Verizon Media, Pinterest,
25 LinkedIn and Wiki Media Foundation; correct?

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1 A. Right, that's correct.

2 Q. And when you say this generally has
3 a -- had a monthly cadence, in fact, far away
4 from elections it was only quarterly, and then
5 it became monthly close to elections, and became
6 weekly before the 2020 election; right?

7 A. I would say from summer of 2018 to
8 2020 they were -- to early 2020 they were
9 quarterly. Sometime in 2020 they became monthly
10 and then as we got closer to the election in
11 2020 they became weekly.

12 Q. Why did they become weekly close to
13 the election?

14 A. They were mostly just touch points
15 in case anything kind of popped up. Those are
16 much less formal than the monthly ones. We
17 didn't have an agenda for those, just an
18 opportunity for folks to share, if they had any
19 questions or anything like that.

20 Q. What sort of stuff did folks share
21 in these weekly touch point meetings?

22 A. So from a CISA perspective, we
23 generally provide updates on any election
24 security-related issues. So if -- you know, if
25 there were any administrative kind of problems

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1 that say we're having, speaking along those
2 lines, the other federal partners, if they had
3 any, again, kind of strategic, unclassified.
4 Intelligence reporting that they felt was
5 relevant, they might share that. And then the
6 platforms, I don't know what they were sharing
7 generally. I don't -- probably just general
8 trends that they might be seeing on the
9 platforms, but I don't recall specifically what
10 they talked about.

11 **Q. And all these things that they**
12 **share are related to election misinformation and**
13 **misinformation on social media platforms?**

14 A. No. It also included cyber
15 security, in fact, I would say most of it -- I
16 wouldn't say most of it -- a lot of it was cyber
17 security. And then there was a little bit on
18 any physical threats that were occurring.

19 **Q. So that -- that's if someone was**
20 **actually threatening poll workers, something**
21 **like that?**

22 A. Correct.

23 **Q. And so in addition to physical**
24 **threats, there were cyber security and issues**
25 **related to misinformation and disinformation?**

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1 A. Correct.

2 Q. Is anything else discussed in these
3 meetings?

4 A. I mean, I think those are the
5 main -- main topics that I recall.

6 Q. Was -- was the risk of hack and
7 leak operations or hack and dump operations
8 discussed in these meetings?

9 A. I don't -- I don't recall a
10 specific incident of that, but it's definitely
11 possible. It's a tactic that had been used in
12 the past.

13 Q. Did you remember you raising
14 concerns about hack and leak operations?

15 A. Me, personally, I don't recall
16 myself raising that, but it's possible.

17 Q. How about -- how about Laura
18 Dehmlow, did she ever raise that, discuss hack
19 and leak operations?

20 A. Again, I don't know. It was a
21 tactic that had been used globally, previously.
22 So it wouldn't surprise me if there was some
23 discussion of that somewhere in these meetings.

24 Q. Do you remember anyone on the
25 government side discussing it?

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1 A. Not specifically, no.

2 Q. How about on the industry side,
3 anyone from the social media platforms
4 discussing hack and leak operations?

5 A. Yeah, unfortunately, I just don't
6 have that kind of recollection of conversations.
7 So no, I don't specifically remember that.
8 Again, it's possible, and I wouldn't be
9 surprised.

10 Q. How about Elvis Chan, you know who
11 he is; right?

12 A. I do.

13 Q. Did he ever -- do you remember him
14 ever talking about hack and leak issues in these
15 meetings in 2020?

16 A. Again, I don't have any specific
17 recollection of that, but it's always possible,
18 for sure.

19 Q. How about Matt Masterson?

20 A. Same answer, you know, it's
21 possible, but I don't recall specific
22 conversations.

23 Q. Let me e-mail you a couple more
24 exhibits.

25 A. Sure.

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1 Q. Do you know Yoel Roth is?

2 A. Yes, I know who Yoel Roth is.

3 Q. Do you know him personally?

4 A. Only in the fact that I've met him
5 a couple times. He was at meetings, you know,
6 some of these synch meetings he would be at.

7 Q. Were these meetings related to
8 misinformation with CISA?

9 A. Again, these are regular sync
10 meetings that we talked about, it's also I do
11 recall we had some Twitter-only calls, as well,
12 that he participated in, so again, it's general
13 meetings would be of conversations.

14 Q. What was -- what was discussed in
15 the Twitter-only meetings?

16 A. Similar, basic
17 relationship-building stuff would be some of it,
18 so, you know, just going and making sure we know
19 who's who, and having conversations about, you
20 know, just relationship-building sides. I also
21 believe we had some briefings from them on some
22 of their public reports, if I recall correctly,
23 so things like that. There wasn't a ton of
24 them.

25 Q. Is this public reporting related to

1 **misinformation and disinformation issues?**

2 A. Yeah, again, I don't know if that's
3 what they called it, but that was kind of our
4 interpretation of it. I think they used
5 coordinated and in-authenticated or so, but I
6 don't recall if Twitter -- if Twitter
7 articulated it.

8 **Q. You would view those briefings in**
9 **those bilateral meetings with Twitter as**
10 **relating to misinformation and disinformation on**
11 **social media?**

12 A. Yeah, some of that, and some of it
13 I'm sure kind of talking him through how
14 elections work, because a lot of education they
15 weren't super familiar with the election
16 administration, how they worked, and a different
17 role and responsibility, you know, about
18 elections. So again, we tried to educate as
19 much as we could.

20 **Q. Were there bilateral meetings with**
21 **other social media platforms, like this, where**
22 **misinformation was discussed in any way?**

23 A. Yeah, again, generally, from a
24 relationship-building standpoint, particularly
25 early on in the process, we would meet -- we met

1 with the platforms just to talk about kind of
2 what our role, what we would do, kind of how the
3 relationship should act.

4 So just as an example, we could
5 relate to the K-theoretical. You know, in those
6 meetings we wanted to make sure that the
7 platforms understood we would never ask them to
8 undertake any specific actions. So we would
9 reiterate that in all of our meetings. And, you
10 know, that was something we continued throughout
11 the process.

12 We would educate them on -- on
13 elections, as I mentioned. We would talk to
14 them a little bit about our resilience-building
15 work, as I discussed. They would just kind
16 of -- again, relationship-building type stuff,
17 very general kind of conversations.

18 **Q. What you describe as the process,**
19 **is that the process of, you know, referring**
20 **disinformation concerns to them, that we've been**
21 **talking about today?**

22 A. We did have conversations, but I
23 think I was referring to the election processes,
24 how the election processes worked.

25 **Q. You said early, when you said early**

1 in the process, you meant early in the election
2 process?

3 A. Oh, yeah, sorry.

4 Q. You would have -- you had meetings
5 with -- bilateral meetings with Twitter and
6 Facebook and other social media companies?

7 A. Right. So in 2018 we didn't have
8 any relationships with the platforms, at all.
9 So in our initial stages of trying to build
10 those relationships we would go meet with each
11 platform one-on-one, just to make sure we could
12 kind of talk to, understand what their concerns
13 are, and then, you know, basic
14 relationship-building stuff.

15 Q. Did those bilateral meetings happen
16 in 2020, as well?

17 A. I would say they probably --
18 probably had bilateral meetings in 2020. I'm
19 not remembering any specific, off the top of my
20 head, but I believe prior to starting the
21 switchboarding work, in 2020, we had
22 conversations with each platform individually.

23 Q. Those would be when you talk about
24 what you would be doing in the switchboarding
25 area; right?

1 A. Yeah, kind of what we would be
2 doing, and again, to reaffirm our position that
3 we would never ask them to take any specific
4 actions, that they should make decisions based
5 on their term of service.

6 **Q. So you're specifically talking**
7 **about the fact that you would be sending them**
8 **reports about disinformation during the election**
9 **cycle?**

10 A. Yeah, we would be forwarding them
11 reports from different election officials, yeah.

12 **Q. Just putting Exhibit 12 back up,**
13 **here.**

14 **Let me show you where in your**
15 **interrogatory responses you disclosed those**
16 **bilateral meetings with social media platforms**
17 **here in --**

18 MR. GARDNER: Hold on. We're --
19 we're pulling 12 back up, John. Hold on.

20 MR. SAUER: Page 38 to 39, it
21 actually goes onto 40.

22 MR. GARDNER: Yeah, hold on. Whoa
23 whoa, whoa, whoa, yeah, almost there. You said
24 38, John?

25 MR. SAUER: Page 38.

1 BY MR. SAUER:

2 Q. There's a list of five bullet
3 points.

4 A. Okay. I'm sorry, what was your
5 question?

6 Q. Can you show me where on this
7 interrogatory response you disclosed, for
8 example, bilateral meetings between CISA and
9 Twitter or CISA and Facebook relating to the
10 misinformation reporting that we've been talking
11 about?

12 A. So I don't want to speak on behalf
13 of whoever submitted the final product, but my
14 assumption would be that they would be on the
15 preparation meeting. But I'm not -- I'm not
16 sure how they captured those in here.

17 Q. Were those the same as preparation
18 meetings for the USG industry meeting?

19 A. I probably wouldn't consider them
20 to be the same, but there's -- there are similar
21 types of meetings.

22 (Exhibit No. 13 was marked for
23 identification.)

24 BY MR. SAUER:

25 Q. Let's get Exhibit 13 back up.

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1 Do you see this as a document filed
2 before the FEC, entitled: Declaration of Yoel
3 Roth?

4 A. Okay.

5 Q. And scrolling, have you seen this
6 document before?

7 A. I have not.

8 Q. Scroll down to paragraph 11. Start
9 with paragraph 10. Mr. Roth says in this
10 declaration, he says, since 2018 I have had
11 regular meetings with the office of the director
12 of National Intelligence, the Department of
13 Homeland Security, the FBI, and industry peers
14 regarding election security; right?

15 A. Yep.

16 Q. Was this a description of the --
17 the sync meetings that we talked about today,
18 between US government and social media
19 platforms?

20 MR. GARDNER: Objection, lack of
21 foundation, calls for speculation.

22 BY MR. SAUER:

23 Q. Do you see that?

24 A. Yeah, I don't know what he's
25 talking about, obviously I can't tell for

1 certain what he's talking about.

2 Q. No? Since 2018 has the Department
3 of Homeland Security had regular meetings with
4 social media platforms --

5 A. Yep.

6 Q. -- ODNI and the FBI?

7 MR. GARDNER: Objection, lack of
8 foundation.

9 A. Yes.

10 Q. Yes, it has, because you've
11 testified about them repeatedly today, so there
12 obviously is a foundation, isn't there?

13 You have been personally involved
14 in multiple meetings, these sync meetings,
15 between USG and industry, and they involve seven
16 or eight social media platforms, ODNI, the
17 Department of Homeland Security, specifically
18 CISA, and the FBI, didn't they?

19 A. We had regular meetings, as I
20 talked about. Whether or not that is what Yoel
21 is also talking about, here, I can't say. But I
22 don't think that's a bad inference to make.

23 Q. Okay. Scroll down to paragraph 11:
24 During these weekly meetings the federal law
25 enforcement agencies communicated that they

1 expected hack and leak operations by state
2 actors might occur in the period shortly before
3 the 2020 presidential election, likely in
4 October; do you see that?

5 A. Yes.

6 Q. Do you recall that kind of
7 communication occurring in any of these sync
8 meetings that occurred in 2020?

9 A. Again, I don't specifically recall.
10 But as I said earlier, it's certainly possible,
11 because it was a common tactic.

12 Q. But you don't remember any federal
13 agencies talking about hack and leak operations
14 in these meetings, but you don't dispute that it
15 could have happened?

16 A. That's correct, yes.

17 Q. Okay. Next sentence, Mr. Roth
18 says: I was told in these meetings that the
19 intelligence community expected that individuals
20 associated with political campaigns would be
21 subject to hacking attacks, and that the
22 material obtained through those hacking attacks
23 would likely be disseminated over social media
24 platforms, including Twitter; do you see that?

25 A. I do.

1 **Q. Do you recall that being**
2 **communicated in any of these sync meetings?**

3 A. Again, it's -- I don't remember
4 specifics, but it would not surprise me if this
5 was discussed.

6 **Q. Next sentence, Mr. Roth says:**
7 **These expectations of hack and leak operations**
8 **were discussed throughout 2020.**

9 Does that ring a bell? Do you
10 recall this being raised multiple times and
11 repeatedly in these sync meetings?

12 A. Again, it's the same response. I
13 don't have specific memories of every item that
14 was requested or very good memory of the
15 conversations, in general. But I would
16 definitely not be surprised if these were
17 included in those conversations.

18 **Q. Okay. And then the very next**
19 **sentence, spilling onto page 3, I also learned**
20 **in these meetings that there were rumors that a**
21 **hack and leak operation would involve Hunter**
22 **Biden; do you see that?**

23 A. I do.

24 **Q. Do you recall any mention of Hunter**
25 **Biden in any of these meetings with social media**

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1 platforms?

2 A. I don't.

3 Q. So you don't know -- do you -- do
4 you dispute that Mr. Roth remembers it
5 correctly?

6 A. I mean, I have no basis to dispute
7 or not dispute.

8 Q. Okay.

9 A. These aren't topics that CISA would
10 be briefing on, so it's possible another agency
11 did brief on them.

12 Q. How about the FBI, do you remember
13 the FBI, Laura Dehmlow and Elvis Chan, saying
14 anything about Hunter Biden during these
15 meetings?

16 A. I don't.

17 Q. How about ODNI?

18 A. I don't, no.

19 Q. How about DOJ, national security
20 division?

21 A. I don't, no.

22 Q. This is dated December 17th, 2020,
23 so that would have been within a couple of
24 months of these meetings, a month or two of the
25 last meeting; is that right?

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1 A. I'm sorry, what was -- could you
2 repeat that? I just want to make sure I
3 understand what you're asking.

4 **Q. I was just scrolling down to the**
5 **fourth page of the document, where it's dated**
6 **December 17th, 2020.**

7 A. Oh.

8 **Q. Do you see that?**

9 A. Yep.

10 **Q. So this declaration would be**
11 **executed close in time to the meetings that are**
12 **being discussed; correct?**

13 A. Correct.

14 MR. SAUER: I'm going to e-mail you
15 Exhibit 14.

16 MR. GARDNER: John, did you say 14?

17 MR. SAUER: Exhibit 14, yeah, do
18 you have that?

19 MR. GARDNER: Yeah, we already have
20 that, the deposition of Elvis Chan.

21 MR. SAUER: Yeah. Sorry, guys.

22 (Exhibit No. 14 was marked for
23 identification.)

24 BY MR. SAUER:

25 **Q. This is the third page of this**

1 document.

2 A. Okay.

3 Q. There's an exchanges here where Mr.
4 Chan is asked -- he refers to the federal law
5 enforcement agencies, plural, in that sentence,
6 do you see that answer, yes; do you see where
7 that is?

8 A. Line four?

9 Q. Yeah.

10 A. Is that what you're referring to?
11 Yeah, you're referring to the
12 question at line four?

13 Q. Right.

14 A. Okay. Yeah, I see that.

15 Q. And Mr. Chan was asked the question
16 on line eight, whether other federal law
17 enforcement agencies, other than the FBI, talked
18 about hack and leak operations; do you see that?

19 A. I do.

20 Q. And he says he doesn't think of any
21 other federal law enforcement agencies, there at
22 line 15. The only federal law enforcement
23 agency I remember conveying our concern about
24 hack and leak operations was the FBI; right?

25 A. That's his response, correct.

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1 Q. And then he was asked, how about
2 any other agency, not law enforcement. And he
3 answered, as I mentioned, I believe CISA would
4 have had the same concern as the FBI; right?

5 A. That was his response, yep.

6 Q. And I asked him: That was relayed
7 through Mr. Masterson and Mr. Scully, I think
8 you said, correct? And he answered, correct;
9 right?

10 A. Okay. Yep.

11 Q. Do you remember either you or
12 Mr. Masterson relaying a concern about hack and
13 leak operations in those meetings?

14 A. I don't.

15 Q. Next page of the document, page
16 222, fourth page of the PDF, you testify: I
17 believe that the senior election official from
18 ODNI would also flag -- flag that as a concern;
19 correct?

20 A. Yes. That's what he says, yes.

21 Q. Do you remember anyone from ODNI
22 raising a concern about hack and leak operations
23 in these meetings?

24 A. Again, as I said in your previous
25 questions, I don't recall specifics, but it

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1 wouldn't surprise me if -- if they were
2 mentioned.

3 MR. SAUER: I'm sending you Exhibit
4 15 by e-mail.

5 (Exhibit No's. 15, 16 and 17 were
6 marked for identification.)

7 MR. GARDNER: John, are you
8 intending to screen share?

9 MR. SAUER: Yeah, I'm doing that
10 right now.

11 MR. GARDNER: We're still waiting
12 for the exhibit.

13 MR. SAUER: Sorry. I think I got
14 my exhibits switched up. Yeah, here, I'm
15 showing you exhibit -- I think it will be
16 Exhibits 15, 16 and 17. You know, the one that
17 I thought was 15 is 16, the one that I thought
18 was 16 is 15, so I'm showing you Exhibit 16.

19 MR. GARDNER: So when we receive
20 your e-mail do you want us to pull up the
21 document marked 16?

22 MR. SAUER: Yeah, you should have
23 received it already.

24 MR. GARDNER: Yeah, not yet.

25 MR. SAUER: There should be an

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1 e-mail with 15, 16 and 17 all attached.

2 MR. GARDNER: Yeah, not yet.

3 MR. SAUER: Really? Well --

4 MR. GARDNER: Oh, here we go.

5 Do you want us to pull up 16 first?

6 MR. SAUER: Yeah.

7 MR. GARDNER: Okay. John, I have

8 15 here, and I got set up -- I see what's

9 happening. Hold on. Yeah, sorry.

10 MR. SAUER: It's a one-page e-mail,

11 it should be up.

12 MR. GARDNER: Yep. Yeah.

13 BY MR. SAUER:

14 Q. Here's a -- Mr. Scully, you see an

15 e-mail here from Facebook to you and

16 Mr. Masterson, as well as Allison Snell and

17 Geoff Hale; correct?

18 A. I do.

19 Q. And there it indicates that there

20 it's called today's industry statement; right?

21 A. Joint industry statement.

22 Q. Right. And they say -- and

23 Facebook says to you, I wanted to ensure you had

24 the statement we will look to release following

25 today's meeting; right?

1 A. Correct.

2 Q. And then, under the joint industry
3 statement, it talks about how there are these
4 meetings that have been going on; right?

5 A. Yes.

6 Q. And then it says -- the majority of
7 the statement says: At today's meeting we
8 specifically discussed three things; right?

9 A. Yes.

10 Q. And the second one of those says:
11 Ways to counter targeted attempts to undermine
12 election conversation before, during, and after
13 the election; right?

14 A. It does.

15 Q. And the industry statement goes on
16 to say: This includes preparing for possible
17 so-called hack and leak operations, attempted to
18 use platforms and traditional media to amplify
19 unauthorized information drops; correct?

20 A. Correct.

21 Q. Does that -- and so the industry
22 prepared a public statement saying that hack and
23 leak operations were discussed at one of these
24 meetings; correct?

25 A. Correct. Yes.

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1 Q. Does that refresh your memory, at
2 all, about hack and leak operations being raised
3 at these sync meetings in 2020?

4 A. Again, I don't have any specific
5 recollections of the conversations. But as I
6 said a few times, now, it doesn't surprise me
7 that they would discuss the common tactic used
8 globally.

9 Q. Were you aware of any pending
10 investigations, at that time, into possible
11 hack -- actual possible hack and leak
12 operations?

13 A. No.

14 Q. I'm showing you what should be
15 Exhibit 15.

16 MR. GARDNER: Got it.

17 THE WITNESS: Okay.

18 BY MR. SAUER:

19 Q. And here's an e-mail from Lauren
20 Protentis to people at Facebook and CISA, that
21 refers to the prep USG industry called monthly,
22 in the subject line; correct?

23 A. Yes, correct.

24 Q. And I think you testified earlier
25 that Facebook was kind of the point for the

1 industry. And so there would be a preparatory
2 meetings between CISA and Facebook to kind of
3 set the agenda for the big monthly meeting that
4 involved all the platforms and at least four
5 agencies; right?

6 A. That's correct, yeah.

7 Q. Okay. Here it says, among other
8 things, industry prompts, themes, narratives,
9 approaches you anticipate for races you think
10 will be targeted, right, is number two?

11 A. Yes.

12 Q. Okay. What's that talking about,
13 are they asking that industry to report back on
14 what themes and narratives on social media they
15 anticipate may happen in certain election races?

16 A. So I'm not -- I'm not sure what,
17 specifically, they were talking about here.
18 It's possible they were trying to understand if
19 they were particularly they were being targeted
20 by foreign actors, but I don't know, that's --

21 Q. How about themes and narratives?

22 A. Yeah, I think that would be
23 pretty --

24 Q. Go ahead.

25 A. I think that would be the same kind

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1 of idea. Again, as I mentioned earlier, in a
2 lot of these calls the intelligence community
3 would provide kind of high-level assessments of
4 unclassified reporting that they had done.

5 **Q. What does industry prompts mean?**

6 A. Generally speaking, it would be the
7 questions that industry had for government.

8 **Q. So industry --**

9 A. For --

10 **Q. Go ahead.**

11 A. Actually, let me rephrase. Sorry.

12 I think in this case it's --
13 it's -- I'm not sure, that's how I would have
14 interpreted it, but based on where it is in the
15 agenda I'm not sure that's what Warren meant.

16 **Q. In other words, these questions of**
17 **government for industry say, hey, social media**
18 **platforms tell us what themes, narratives,**
19 **approaches you're anticipating for the upcoming**
20 **election?**

21 A. No, my -- my interpretation of this
22 is that it's industry questions for government,
23 because the government portion of the agenda.
24 So industry, if possible, would like to hear
25 government's perspective on these questions.

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1 Q. Did government share that with the
2 social media platforms in these meetings? Did,
3 you know, the federal agencies talk about what
4 themes and narratives and approaches they
5 anticipated on social media for election races?

6 MR. GARDNER: Objection, compound.

7 THE WITNESS: Yeah, can you just
8 kind of break that question down for me?

9 BY MR. SAUER:

10 Q. In the actual meetings did the
11 federal agencies provide information to the
12 social media platforms about the themes and
13 narratives they anticipated seeing on social
14 media for particular races, election races?

15 A. I don't think it was ever broken
16 down by particular races. I think there were --
17 again, there was intelligence. If there's
18 intelligence that was unclassified they could be
19 shared about, targets and things like that, the
20 intelligence community would share that.

21 But generally speaking, I don't
22 think that we would necessary get down to the
23 individual race level, but again, I'm not -- I
24 don't have a memory of every specific item that
25 was discussed.

1 Q. How about do you remember themes
2 and narratives being discussed, like, hey, we
3 expect people to be, you know, talking about --
4 expect, you know, social media postings to
5 reflect this theme or that narrative?

6 A. So I think there are two components
7 to this one. I believe there are some
8 discussion about would we have seen historically
9 in the past, and may see going forward. So --
10 so I believe there might have been some
11 discussion around that.

12 And then if -- again, if the intel
13 communities had reporting talked about foreign
14 actor efforts, they would share those.

15 I don't recall, specifically, what
16 was discussed. So I -- I don't know if -- what
17 level of detail, if any, they got down to in
18 those conversations.

19 And I'm not even -- to be honest,
20 I'm not even sure if I attended this meeting. I
21 think I either just got back from my detail or
22 it was right before I got back to my detail, so
23 I'm not sure I attended this one.

24 Q. I'm going to share Exhibit 17.

25 A. Okay.

1 Q. And this is a collection of
2 e-mails, again.

3 Here on the first page, in April of
4 2022, this year, Lauren Protentis is sharing the
5 agenda for one of these USG sync meetings. And,
6 among other things, she says: One-pager
7 reminder; do you know what she's talking about?

8 A. Yeah, she -- we had asked industry
9 to provide a one-page summary of their content
10 moderation rules that we could share with
11 election officials.

12 Q. What's the purpose of that, a
13 one-page summary of their content moderation
14 rules?

15 A. So we -- we would receive a lot of
16 questions from election officials about how
17 different platforms made decisions about their
18 terms of service. And we thought this was a way
19 to help the platforms be more transparent with
20 election officials. So we asked them to just
21 put together kind of a one-page summary.

22 Q. A one-page summary of basically
23 what their content moderation policies were as
24 applies to election misinformation?

25 A. Yeah, that we could share with

1 election officials.

2 Q. I take it, then, the election
3 officials when they see something on social
4 media that they view as disinformation or
5 misinformation would be educated on whether or
6 not it violates that platform's policy; is that
7 right?

8 A. I'm not sure that was the full
9 expectation, but I think it was just to try to
10 provide some transparency and some understanding
11 of how the platforms make a decision.

12 Q. And why is it useful? I take it
13 this was your idea, CISA's idea, not -- it
14 wasn't something that the election officials
15 have asked for?

16 A. To be honest, it asks of maybe
17 before I returned, so I'm not entirely certain,
18 but I suspect it was some combination of
19 election officials asking. We got a lot of
20 questions over the years about that, and us
21 just, you know, raising it with the platforms
22 the way they're trying to help the election
23 officials.

24 Q. Jumping ahead, 15743, should be on
25 the 7th page of the PDF, there's a discussion in

1 **the April --**

2 MR. GARDNER: Are you at that now?

3 THE WITNESS: Sorry, I just
4 accidentally got out. I'm going to the page. I
5 think I'm there.

6 BY MR. SAUER:

7 **Q. There's a discussion, a bullet**
8 **point in the agenda for the August 2020 USG**
9 **industry meeting of election-day coordination.**

10 Do you know what -- what that was
11 discussed under that?

12 A. Yeah, and just to be clear, you
13 know, we just jumped from 2022 back to 2020;
14 right?

15 **Q. Yeah.**

16 A. Okay. Yeah, so CISA regularly set
17 up an operation center on election day, around
18 the election. And the platforms and some of the
19 other agencies do the same. But I think it was
20 just a conversation about how all the different
21 organizations were going to be managing on
22 election day.

23 **Q. What is the nature of a -- what is**
24 **CISA's election day operation do, does it**
25 **receive disinformation reports?**

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1 A. It's more of a -- so just taking a
2 step back, right, essentially what CISA does is
3 it invites key stakeholders to CISA to
4 facilitate information sharing about what's
5 going on within the elections.

6 Most of it is cyber related, but
7 the NAV and NAFTA that we talked about earlier
8 were there, and so if they heard reporting up
9 through their members, they might mention it.

10 Generally speaking, you might
11 have -- in 2020 it was a little different,
12 because of COVID. But generally speaking, we
13 would have somebody from our team there who we
14 would have a team kind of working on the chats.

15 And so the switchboard reporting
16 might come in and in 2018, for example, our guy
17 was sitting in the room, in 2020 I think I was
18 the only one in the room, maybe one other from
19 our team. And then they would -- you know, so
20 that's -- I don't know if that helps clarify. I
21 think I just talked in mode right there.

22 **Q. When you say in the room, is there,**
23 **like, a physical location where CISA and NASED**
24 **and NASS and social media platforms all have**
25 **people or what room are we talking about?**

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1 A. Yeah, so in 2020, CISA had a room
2 where we had some of our stakeholders attend in
3 person. I don't have a full list of who was
4 there. It was obviously not substantial, due to
5 COVID restrictions. But we would have federal
6 partners, and we have NASS and NASED there.

7 I don't know who else was there,
8 but I believe there was a couple other, you
9 know, maybe election security vendors, folks
10 like that, just to facilitate information
11 sharing in case an incident occurred.

12 **Q. Who were the federal partners?**

13 A. I don't -- I don't believe in 2020
14 we had too many in the room, but CISA's watch
15 center operations for CISA central I talked
16 about earlier, they're our liaisons for many of
17 the different agencies, and then we had
18 connectivity with FBI, DOJ, NEI, I&A, things
19 like that. Again, 2020 all you need due to the
20 pandemic.

21 **Q. And part of what happens in this**
22 **election-day operation is that NASED and NASS**
23 **may receive misinformation reports from their**
24 **members and report them up to you guys; right?**

25 A. Generally speaking, it would --

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1 they would handle them themselves, with the
2 platforms, but I'm sure there were examples of
3 where they sent it to us.

4 **Q. And then would you guys perform the**
5 **same misinformation routing function and pass**
6 **that along to the platforms?**

7 A. Yeah, correct.

8 **Q. Okay. This happened again in 2022,**
9 **was there an election-day operation?**

10 A. It was an election operation center
11 in 2022. We didn't do switchboarding in 2022,
12 as we discussed earlier.

13 **Q. You say you didn't do**
14 **switchboarding in 2022, did you relay --**

15 A. Correct.

16 **Q. -- misinformation or disinformation**
17 **concerns to social media platforms at any time**
18 **during the 2022 election cycle?**

19 A. Not that I recall, no.

20 **Q. How did the state and local**
21 **election officials relay those concerns to the**
22 **social media platforms, did they do a --**

23 A. Yeah, my understanding was
24 two-fold, one, I think some of the platforms
25 developed a little more robust infrastructure to

1 engage with election officials, themselves. And
2 then I also believe that CIS was up and running,
3 but I'm not certain what -- kind of how it all
4 worked.

5 Q. So you believed that CIS continued
6 to receive disinformation/misinformation reports
7 from state and local election officials during
8 the 2022 election cycle, and relay them directly
9 to social media platforms?

10 A. Yeah, I'm speculating a bit on
11 that, because I'm not particularly familiar with
12 what they actually did in 2020, but that was the
13 general understanding I had.

14 Q. Did they copy you on those reports,
15 like they were doing in 2020?

16 A. They were not, no.

17 Q. Why not? Did you tell them not to?
18 Did you say: Don't copy us on these or did they
19 just stop?

20 A. Yeah, we discussed earlier, CISA
21 didn't -- was not doing switchboarding in 2022,
22 so there's no reason for them to copy us.

23 Q. And did you tell --

24 A. But I --

25 Q. Go ahead.

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1 A. So I didn't have a conversation,
2 myself, with CIS about it, so I'm not sure who
3 told them not to do it.

4 **Q. Turning back to the 2022 election**
5 **day operation, was that another case where CISA,**
6 **NASED, NASS, and other federal agencies all had**
7 **representatives in one room?**

8 A. I -- I think there was some federal
9 representative there, like I said, most of that
10 would -- would be in the ops center. There were
11 other nongovernment partners there, like -- like
12 I said, like the -- the vendors, election
13 security, election system vendors and folks like
14 that.

15 **Q. What -- what's the ops center?**

16 A. That's essential, that's kind of
17 the 24/7 situational awareness that CISA runs.
18 And my understanding is that it has liaisons
19 from across the federal agencies.

20 **Q. And were you there at the -- at the**
21 **ops center in 2022 election day?**

22 A. So the room we would be in would be
23 a separate room. We wouldn't actually be on the
24 ops center floor. We called it a situational
25 awareness room.

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1 Q. On election -- were you there?

2 A. I was in the situational awareness
3 room on election day in 2022, yep.

4 Q. Any misinformation or
5 disinformation concerns arise on election day in
6 2022?

7 A. I don't think there was too much.
8 I'm not recalling specific incidents. I would
9 imagine the two were, but I don't think there
10 was very much, if there was.

11 Q. What happened?

12 A. I'm sorry, that's not very clear.
13 I just don't recall if there's
14 anything specific. I have a general sense that
15 there were a couple of items, but I don't think
16 there was very much.

17 Q. What happened to the ones that did
18 occur or that did arise, did they get routed to
19 different platforms?

20 A. No, I think it -- no, if any of
21 those were mentioned, I think it was just in
22 general conversation of what might be happening,
23 but we didn't have anything on social media
24 platforms.

25 Q. Did NASED and NASS route things to

1 **social media platforms?**

2 A. I don't -- I don't know for
3 certain. I would -- I would guess they did.

4 Q. Jumping ahead in Exhibit 17, page
5 14545, it's page 12 of the PDF, and here's an
6 agenda from one of these sync meetings from July
7 of 2022; do you see that?

8 A. Is it 14545?

9 Q. Yeah, page 12 of the PDF.

10 A. Just making sure. Sorry, it's
11 weird how it shows the pages here. Yeah, okay.
12 Yep.

13 Q. And then Lauren Protentis, here, is
14 circulating an agenda for a sync meeting;
15 correct?

16 A. This looks like it's for a prep
17 meeting.

18 Q. Prep meeting? Okay.

19 And then here in item four, it
20 says: CISA elections infrastructure risks,
21 Scully; correct?

22 A. Yep.

23 Q. So is that referring to the plan
24 that you -- and do you have a briefing on
25 election infrastructure risks at the big sync

1 **meeting?**

2 A. Yeah, I believe normally Geoff Hale
3 would do that, I believe this meeting Geoff was
4 going to be unavailable, so they asked me to
5 cover the election infrastructure portion of the
6 agenda.

7 Q. Now, what you said about them, what
8 does that mean, election infrastructure risks,
9 does that refer to informational infrastructure?

10 A. No, that's -- again, that's kind of
11 the broader understanding of how elections
12 function, so the systems, physical security,
13 things like that. It would just be an update on
14 kind of where things stand across kind of the
15 broader election infrastructure community.

16 Q. Below that, item six, it says:
17 **FBI, domestic, adversarial actor update, down**
18 **below; do you see that?**

19 A. I do.

20 Q. Do you recall Laura Dehmlow giving
21 a briefing at that meeting you were at about a
22 domestic adversarial actor?

23 A. I don't, and I -- I -- if I recall
24 correctly, and I don't know if you have the
25 actual agenda for the meeting, I think the --

1 that changed.

2 Q. Oh, you don't think she gave
3 that -- that -- that briefing?

4 A. I don't believe so, no.

5 Q. What kind of domestic adversarial
6 actors is the FBI's foreign influence task force
7 concerned about?

8 A. I don't know.

9 Q. Let's jump ahead to page 7599.

10 MR. GARDNER: John, before we go
11 on, we've been going about two hours, again. I
12 think now would probably be a good time for a
13 break.

14 MR. SAUER: I just got a few more
15 questions about this document. Can you keep
16 going for a couple more minutes.

17 MR. GARDNER: Sure, we can do that.

18 BY MR. SAUER:

19 Q. Let's just -- here, 7599.

20 A. What page are we on?

21 Q. That is page 16 of the PDF?

22 A. Okay.

23 Q. Do you see here on the bottom half
24 of the page, on July 1st, 2020, Facebook sends
25 e-mail to you and Matt Masterson, Matt and

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1 Brian, thank you so much for the outreach on our
2 next sync; right?

3 A. Yep.

4 Q. And then she gives a proposed
5 agenda for a meeting that she proposes having on
6 July 15th of 2020; correct?

7 A. Yes.

8 Q. And then, in that agenda, there's
9 an item here, under number two, that says:
10 Hack/leak and USG attribution speed/process; do
11 you see that?

12 A. Yep.

13 Q. What was that referring to?

14 A. I -- I don't recall. You know, I
15 would have to speculate based on what it says
16 here.

17 Q. So you don't remember hack/leak
18 being put on the agenda for one of these
19 meetings?

20 A. Again, as I said earlier, I don't
21 remember all the agenda items on the meetings or
22 specific discussion points. But I'm not
23 surprised that it's on here, no.

24 Q. Do you know why Facebook would have
25 put that on?

1 MR. GARDNER: Objection, calls for
2 speculation.

3 BY MR. SAUER:

4 Q. If you know.

5 A. I don't know.

6 Q. And then what is --

7 A. I mean, again --

8 Q. Go ahead.

9 A. Sorry, just as I said, you know, a
10 few times, right, it's not surprising, it was a
11 common tactic that was used globally. But I
12 don't know why they -- if there was a specific
13 reason that they put it on here.

14 Q. What -- how about that, in the
15 second half of that line, USG attribution
16 speed/process; right? Do you know what that
17 means?

18 A. I don't, CISA doesn't do
19 attributions, so I'm not sure what that could be
20 related to.

21 Q. Attribution, when you say CISA does
22 not do attribution, what does that mean?

23 A. Well, the way I would look at
24 attribution would be attributing specific actors
25 to something.

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1 Q. That was --

2 A. In the MDM context CISA does not do
3 attribution.

4 Q. So attribution is figuring out who
5 is the actual source of the social media
6 posting?

7 A. I mean, if you're talking about a
8 social media posting, that would be attribution.
9 If you're talking about hack and leak, I assume
10 that would be known as the attribution to who
11 the hacker and leaker was.

12 Q. So this, then, could be a
13 discussion of -- you know -- and by the way,
14 this is listed there under 40 minutes deep dive
15 topics; right?

16 A. Mm-hmm.

17 Q. Do you know if you participated in
18 that July 15th, 2020 meeting?

19 A. I would imagine I did, but I -- you
20 know, I would have to go back and look at my
21 calendar. I don't know for certain.

22 Q. You don't know -- sorry.

23 You don't know about whether there
24 was a deep dive on hack/leak and USG
25 attributions, the process?

1 A. I don't know for certain. I mean,
2 I would have to go back. Do you have the actual
3 agenda that we used for the meeting or just the
4 proposed one by -- by Facebook?

5 **Q. No, let me ask you this: I take it**
6 **you -- you interpret, in the context of hack and**
7 **leak, USG attribution, USG is United States**
8 **government; right?**

9 A. Yeah, that's what I would assume it
10 is.

11 **Q. Attribution, I take it, is having**
12 **the USG, the government, figure out who did the**
13 **hack and the leak; right? That's what**
14 **attribution means in this context?**

15 A. Assuming I was connected to hack
16 and leak, I obviously don't know what this is
17 specifically referring to, but if I were reading
18 that bullet point that's how I would read it,
19 that the attribution was USG attributing a hack
20 and leak.

21 **Q. Okay. And then the question is**
22 **how -- how fast speed and how USG would go about**
23 **doing it; right, speed/process?**

24 A. Again, that's what the agenda says.
25 I don't know exactly what that means.

1 MR. SAUER: Let's take a break
2 there.

3 MR. GARDNER: 10 minutes good?

4 MR. SAUER: Yeah. How long have we
5 been on the record.

6 THE VIDEOGRAPHER: The time is now
7 3:34 p.m. We are off the record.

8 (Recess.)

9 THE VIDEOGRAPHER: The time is now
10 3:50. We are back on the record.

11 MR. SAUER: Before we go back to
12 questioning, I'm formally requesting, on the
13 record, a supplementation of the document
14 production directed to CISA custodians. If you
15 look at those pages where the key custodians are
16 disclosed, we've had testimony today that that
17 list of custodians at ESI should have been
18 searched, should have included the five names
19 that the witness has testified to today, Chad
20 Josiah, Rob Schaul, Adam Zaheer, John Stafford
21 and Pierce Lowary.

22 And, in fact, I think it's
23 astonishing that four of those names are
24 specifically identified as copied on e-mails
25 from the key custodians, but whose ESI was not

1 searched.

2 So I request supplementation by
3 tomorrow, which is the close of fact discovery.
4 We were entitled to that going back to August.
5 And this is the first time we've heard about
6 this, one day before the close of discovery.

7 So I'm asking for those e-mails
8 from those custodians, including their
9 communications with social media platforms, and
10 it now appears there were communications with
11 the EIP, potentially, those be produced by
12 tomorrow.

13 MR. GARDNER: I understand your
14 request. We'll take it back.

15 MR. SAUER: Thanks.

16 (Exhibit No. 18 was marked for
17 identification.)

18 BY MR. SAUER:

19 Q. Let's go to Exhibit 18, it should
20 be in your e-mail.

21 MR. GARDNER: Yeah, hold on one
22 second.

23 BY MR. SAUER:

24 Q. This document is another one of
25 these collective exhibits of a bunch of CISA

1 e-mails involving you.

2 If you look at the first page, in
3 the middle, here, it indicates there's reporting
4 that you are forwarding from the state
5 department's global engagement centers about
6 disinformation on YouTube, and you're forwarding
7 it onto -- to social media platform; do you see
8 that?

9 A. Yes.

10 Q. Yeah. Let me ask this: What role
11 does the state department's global engagement
12 center have in addressing misinformation and
13 disinformation on social media?

14 A. I don't know what the specific
15 authorities are.

16 Q. Do you know what they do,
17 generally?

18 A. Yeah, but also, just to be clear,
19 that this e-mail is regarding a State Department
20 employee that was targeted overseas, I believe.
21 So I -- to answer your -- to answer your
22 question, I believe they -- they have a mandate
23 to deal with information operations overseas.

24 Q. Do you interact with them, at all,
25 in your MDM team activities?

1 A. Yes.

2 Q. How do you interact with them?

3 A. In a couple ways. So one, they do
4 a lot of reporting on what they're seeing
5 overseas, particularly as it relates to actions.
6 So it's a good source of understanding tactics
7 and things like that, that are occurring
8 overseas.

9 We often see what happens overseas
10 end up showing up domestically. So it's a good
11 source of information for that.

12 They also have a tech demo program
13 that they run, where they bring in different
14 tech companies that work in the information
15 operations space. So we'll go -- we have
16 members of the team that will go and watch some
17 of the demo.

18 So I think those are the two main
19 ones. We -- trying to think if there's others.

20 Q. Do you know George Beebe,
21 B-e-e-b-e?

22 A. Do I know George? I'm sorry, could
23 you spell that again?

24 Q. B-e-e-b-e.

25 A. The name does not sound familiar.

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1 Q. Do you know if the GEC was involved
2 in the Election Integrity Partnership in any
3 way?

4 A. I don't. I know you showed me a
5 document earlier, that they were listed, but I
6 don't know what they did.

7 Q. Okay. Second page, here, where
8 this lists information report, you said -- it
9 indicates, in the last sentence there, the
10 journalist tells me there's a YouTube channel
11 run by Americans falsely claiming that this
12 diplomatic officer is patient zero for COVID-19;
13 correct?

14 A. I'm sorry, what page are you on?

15 Q. Second page of the PDF.

16 A. Okay. Yes, that's what the e-mail
17 says.

18 Q. So you said -- well, maybe
19 overseas, it looks like the thing they're
20 challenging is something posted by Americans;
21 correct?

22 A. I -- I don't know. I mean, that's
23 just a YouTube channel run by Americans, that's
24 what they say, yeah.

25 Q. You forward this onto him; right?

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1 A. I believe that's true, yes.

2 Q. Scrolling down to page 10718 -- by
3 the way, did you flag these accounts? If you
4 look here on the 11th page of the PDF for a
5 section --

6 A. Sorry, page 11 of the PDF?

7 Q. Yeah, here there's a screen shot of
8 unofficialcogov, and the Twitter handle, says:
9 DM us your weed store location, open
10 parentheses, hoes be mad, but this is a parody
11 account; correct?

12 A. It appears I forwarded it to
13 Twitter, yes.

14 Q. Okay. And then that was the only
15 one, and the next page there's one you forwarded
16 to Twitter that says: Smoke, weed, erry day, I
17 think they mean every day. The official
18 (unofficial) Twitter account of the State of
19 Colorado; right?

20 A. Yeah, it seems to be part of the
21 same e-mail in Colorado.

22 Q. Those two accounts you forwarded to
23 Twitter, you forward those to Twitter for
24 consideration; correct?

25 A. Yeah.

1 Q. And then, sorry, moving back a
2 little bit of the document, I apologize, on the
3 9th page there's an e-mail on September 25th of
4 2020, from you to Twitter, saying, good morning,
5 do you all have five minutes for a quick call
6 today. I'd like to give you a quick update on
7 our reporting process this year. Do you know
8 what that was about?

9 A. I don't --

10 Q. It looks like --

11 A. -- know specifically what it's
12 about, no.

13 Q. It looks like the specific subject
14 you mentioned was: Election disinfo reporting;
15 correct?

16 A. Let me scroll down. Do you have
17 the rest of the e-mail chain? Obviously it
18 appears to be a reply to something. Am I
19 missing something, here?

20 Q. Well, this is all we've got. It
21 says --

22 A. Oh, there's no -- there's no
23 header, again.

24 Q. But -- but Twitter's response to
25 you, says: Re: Election disinfo reporting?

1 A. Yeah.

2 Q. Okay. Do you know -- do you
3 remember having a call with them about your
4 process reporting election disinformation on
5 that date?

6 A. I don't.

7 Q. Next page, 9703, tenth page of the
8 PDF, there's an e-mail from Twitter to you and
9 Matt Masterson, in September of 2020, where it
10 says: Hi Matthew and Brian, hope you're doing
11 very well. We want to give you an update today.
12 We're updating our civic integrity policy. Our
13 existing policy does such and such, and it says,
14 starting next week we will label or remove false
15 or misleading information intended to undermine
16 public confidence in an election or other civic
17 process; right?

18 A. Yep.

19 Q. Do you know why they gave you this
20 report?

21 MR. GARDNER: Objection, calls for
22 speculation.

23 A. Yeah, I don't know why they
24 specifically -- it looks like there's ways to
25 public information about it, so as I mentioned

1 earlier, sometimes they would -- they're putting
2 things out publicly they would just give us a
3 heads up.

4 Q. Now, have you ever asked them to
5 give you a heads up or Matt Masterson ask them
6 to give you a heads up about changes in their
7 content moderation policies?

8 A. Not that I recall.

9 Q. Page 8519, sorry, I'm in the wrong
10 spot on the document.

11 Let me ask you this: Do you
12 remember sharing a -- with Facebook, a
13 disinformation report about CISA and Director
14 Krebs, does that ring a bell, where the
15 disinformation was disinformation about your own
16 agency?

17 A. I don't recall that, specifically,
18 no.

19 Q. Here it is, 19th page of the PDF.

20 A. 19?

21 Q. Yeah, page 19 of the PDF.

22 A. Okay.

23 Q. And it says: Good afternoon -- you
24 sent an e-mail on November 5th of 2020 to
25 Facebook, saying, good afternoon Facebook,

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1 wanted to share this disinfo report about CISA
2 and Director Krebs; do you know what that was
3 about?

4 A. I don't.

5 Q. And your second --

6 A. I don't recall.

7 Q. The second line says: IG disinfo
8 report; do you know what IG means?

9 A. It appears, based on the link in
10 the e-mail, that it was referring to Instagram.

11 Q. By you don't remember -- you don't
12 remember a specific -- anything specific
13 relating to Director Krebs, do you?

14 A. No, I don't.

15 Q. Let's scroll ahead a few pages, to
16 10394.

17 Well, let me ask this: Do you
18 remember disinformation about Director Krebs
19 circulating in that timeframe, just after the
20 2020 election?

21 A. I recall that he was named on an
22 Iranian-driven enemies of the people list.
23 Beyond that, I don't -- I don't recall any other
24 specific MDM related to the director, no.

25 Q. Okay. Scroll down to the 22nd page

1 of the PDF.

2 A. Okay. Okay.

3 Q. Do you see here, you sent an e-mail
4 to Facebook on November 10th, 2020, saying:
5 Good morning, Director Krebs is particularly
6 concerned about the hammer and scorecard
7 narrative that is making the rounds; do you see
8 that?

9 A. Yep.

10 Q. Do you know what that was, the
11 hammer and scorecard narrative?

12 A. If I remember correctly, it was
13 something about the NSA, and maybe a different
14 federal agency, conspiring to change votes or
15 something along those lines. Like there's new
16 technology that the NSA developed. I forget the
17 specifics of the narrative, itself, but it's
18 something along those lines.

19 Q. So this is a narrative on social
20 media suggesting that the federal government is
21 engaging in intellectual or sort of election
22 interference in some way?

23 A. I think it could have been social
24 media, it could have been other media. I'm not
25 sure what I was referring to when I said making

1 the rounds. I don't recall.

2 Q. Okay. Well, your next sentence
3 says: Wanted to see if you all, meaning
4 Facebook, have been tracking this narrative and
5 if there's anything you can share around
6 amplification; right?

7 A. Yep.

8 Q. What does amplification mean?

9 A. If a particular narrative is being
10 amplified.

11 Q. So, in other words, you wanted to
12 know -- you're asking Facebook to tell you
13 whether or not that narrative is being amplified
14 on its platform?

15 A. Correct. That's how I read that,
16 yeah.

17 Q. Okay. And then Facebook responds
18 by saying: Our teams are actively -- actively
19 monitoring developments on this at this time and
20 to the extent you or USG have information about
21 confirmed misinformation or other information of
22 note, we absolutely welcome that; correct?

23 A. Yep, that's what they wrote.

24 Q. And they follow up by saying:
25 Wanted to follow up on the below to say that our

1 teams have confirmed that we have third-party
2 fact checker verification that the "hammer and
3 scorecard" narrative is false; right?

4 A. Yes, that's what they say.

5 Q. And they go on to report to you:
6 Our systems are labeling and downranking the
7 contents as identified; correct?

8 A. Yes.

9 Q. Is that consistent with other
10 e-mails, where they report back to you on how
11 they've taken action against a content that you
12 have flagged?

13 A. Yeah, generally consistent, I
14 think.

15 Q. Let's jump ahead to the 10390, that
16 is going to be page 24 of the PDF, and here at
17 the bottom of the page you sent the very same
18 e-mail to Twitter, as well; right?

19 A. Yep.

20 Q. Director Krebs is very concerned
21 about the hammer and scorecard narrative, and
22 I'm wondering if you have been tracking this
23 one, if there's anything you can share in terms
24 of sharing and amplification; correct?

25 A. Yeah, that's what I wrote.

1 Q. The usual context says: We have
2 been tracking this issue. I will allow Yoel to
3 follow up with detailed information; right?

4 A. Yes.

5 Q. And that's Yoel Roth; right?

6 A. I believe so, yeah, that's -- let's
7 see, yep.

8 Q. He was then the chief content
9 modulation officer for Twitter, right, ahead of
10 their trust and safety team?

11 A. I don't recall what his title was,
12 but he certainly was in charge of some trust and
13 safety, safety stuff.

14 Q. Trust and safety, that means
15 enforcing content moderation policies; right?

16 A. I suspect that's one of the
17 responsibilities.

18 Q. He comes back to you with a kind of
19 detailed report here at the top of the page
20 about what Twitter's been doing on this, he
21 says, we've been tracking the hammer/scorecard
22 issue closely, particularly since Director
23 Krebs's tweet on the subject, which is pretty
24 unambiguous as debunks go; correct?

25 A. That's what he wrote, yeah.

1 **Q. Do you recall Director Krebs**
2 **debunking this in a tweet?**

3 A. I suspect, and I keep on, let me
4 just add, I don't recall Director Krebs'
5 specific tweet. Two, its possible, as part of
6 our universe reality page, and Director Krebs
7 would put a new item up on our universe reality
8 page, he would tweet out the new universe
9 reality entry, but I'm not aware of the specific
10 tweet, but that would be my guess as to what was
11 going on.

12 **Q. Were you aware that the social**
13 **media platforms were following the rumor page**
14 **posted by CISA and using that as a debunking**
15 **method for content on their platforms?**

16 A. We had a sense they were doing
17 that, yeah.

18 **Q. And that's kind of the point of it,**
19 **right, the point of the rumor page is to debunk**
20 **things; right?**

21 A. No. The point of the page is just
22 to provide accurate information about rumors
23 that we were hearing.

24 **Q. Okay. You were aware, I think you**
25 **just said, that the social media platforms, like**

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1 Twitter, were following the page and using it to
2 fact check, essentially, things that people were
3 posting on their platforms?

4 A. Yeah. So the platforms are looking
5 for a place to get accurate information about
6 different things that they were seeing on their
7 platforms. And I know some of them used the
8 universe reality page to do that.

9 Q. And, in fact, this e-mail indicates
10 that they used it to debunk the hammer/scorecard
11 narrative, if the tweet that Director Krebs did
12 refers to the rumor page; correct?

13 A. I'm sorry, could you repeat the
14 question?

15 Q. Actually, let's move on to the page
16 8625, it's a couple pages down, on page 27 of
17 the PDF. Here you're flagging, on Friday,
18 November 13th of 2020, you've been flagging a
19 tweet for Twitter. And at one point you say, at
20 11:26 p.m. on a Friday night, you e-mail Twitter
21 and say: Some Friday night fun for the two of
22 us, hope you are well; right?

23 A. Yeah.

24 Q. So you were forwarding and routing
25 disinformation concerns to social media

1 platforms near midnight on a Friday?

2 A. It appears so.

3 Q. And they were responding in
4 realtime, for example, 7 minutes later, at 11:33
5 p.m., Twitter's responding to you late on a
6 Friday night; correct?

7 A. Yeah.

8 Q. And she says, among other things,
9 we have labeled so many tweets tonight, so I'm
10 afraid that the answer is there isn't any
11 tonight; correct?

12 A. I'm sorry, what are you asking?

13 Q. Directly above, she said: We've
14 labeled so many tweets tonight that it isn't
15 ending tonight; correct?

16 A. We have labeled so many tweets
17 tonight, so I am afraid that for now the answer
18 is that it isn't ending tonight?

19 Q. Right.

20 A. Yes, that's what she wrote.

21 Q. This is based on an exchange a
22 little lower down, that you flagged something on
23 Dominion machines for her, at 11:20 p.m. And
24 she responded at 11:21 p.m., within one minute,
25 saying, thanks, Brian, we will escalate;

1 correct?

2 A. Yep, that's what the timestamps
3 say.

4 Q. Were you getting -- you were kind
5 of reporting misinformation on social media late
6 at night to social media platforms during this
7 timeframe?

8 A. I accidentally closed -- that's page
9 24?

10 Q. Yeah.

11 A. Sorry. Yeah, as I said, if I were
12 on my phone, and I saw something come in, I
13 would push it along.

14 Q. Jump ahead to -- and was it common
15 for Twitter or Facebook or other platforms to
16 respond almost immediately, even near midnight
17 on a Friday?

18 A. I mean, it's hard to say common. I
19 know it happened. They were generally pretty
20 responsive. Common's a pretty loose term so,
21 you know, I don't know how to respond to that.

22 Q. But you say they were generally
23 responsive, and that includes prompt in their
24 responses to you?

25 A. Correct. Right. So they were

1 prompt in letting me know that they had received
2 any e-mail that I sent them, that's essentially
3 what I was talking about.

4 Q. Let's go to 8557, it's page 42 of
5 the PDF.

6 A. 42? Okay.

7 Q. Here it looks like Facebook is
8 e-mailing Lauren Protentis and saying that: I
9 wanted to share our account security doc that
10 we've been working on, and we're grateful for
11 any feedback; right?

12 A. Yep.

13 Q. Do you know what account security
14 document they're talking about, here in April
15 15th of 2022?

16 MR. GARDNER: Objection, calls for
17 speculation.

18 A. Yeah, I don't know what specific
19 documents they're talking about.

20 Q. Is it possible this is the
21 one-pager that we were talking about earlier,
22 does that ring a bell?

23 MR. GARDNER: Objection, calls --
24 objection, calls for speculation.

25 A. Yeah, I don't -- I don't -- I don't

1 know.

2 Q. Okay. Next page, Lauren Protentis,
3 thanks so much for sending, this looks great.
4 The only thing I recommend is any steps for
5 flagging or escalating MDM content, if possible;
6 right?

7 A. Yeah, that's what Lauren said.

8 Q. And she said: I think then that
9 this -- I think, then, that would make this a
10 comprehensive product on both the critical needs
11 of officials, account security, and MDM
12 concerns; correct?

13 A. Yeah, that's what she wrote.

14 Q. She says: We discussed this a bit
15 in our in-person meeting a few weeks ago; right?

16 A. Yep.

17 Q. Okay. Were you aware of Lauren
18 asking for Facebook to produce a document and
19 asking them to include steps for planning or
20 escalating MDM content for officials?

21 A. I was not aware of this document,
22 no. I know that the -- I knew those
23 conversations about the one-pagers we discussed
24 earlier, but I'm not -- I'm not entirely sure
25 what this is referring to.

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1 Q. Well, I think you said earlier the
2 one-pagers would talk about what their content
3 moderation policies are?

4 A. Right.

5 Q. If you look higher, on that same
6 page, Facebook is replying to Lauren and saying,
7 would it be -- would it work to just provide my
8 e-mail when you share out this one-pager; right?
9 Do you see that?

10 A. So I'm scrolling up.

11 Q. When you share out this one-pager;
12 do you see that?

13 A. Yes.

14 Q. Okay. So -- so does it seem that
15 Lauren is talking about the one-pager that all
16 the social media platforms were asked to provide
17 for state and local elections; is that what's
18 going on?

19 A. Again, I'm not sure. It could be
20 two different one-pagers that she's talking
21 about, one on account security and one that
22 Lauren was working on, I wouldn't be -- again, I
23 wouldn't be surprised if they were similar, but
24 I -- I can't -- I don't know.

25 Q. Regardless, for the purpose of this

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1 one-pager, Lauren is specifically asking that
2 they add to it a procedure for state officials
3 to flag and escalate MDM content; correct?

4 A. It appears she's asking for a
5 process for election officials to report MDM
6 content to Facebook, yeah.

7 Q. Jump ahead to 12223, here on the --
8 starting at the 48th page of the PDF and
9 spilling to the 49th page, there's another
10 e-mail from Lauren Protentis, this time to
11 people at Microsoft, which is subject is
12 one-pager for election officials; do you see
13 that?

14 A. Did you say 48?

15 Q. Yeah, 48, spilling over onto 49,
16 it's -- the header's on 48 and the -- oh, I'm
17 sorry, 43. Bad eyesight. Sorry. It really
18 looks like an 8.

19 A. That's okay.

20 Q. Sorry, 43.

21 A. I understand that.

22 Okay. So one-pager for election
23 officials, got the header, okay.

24 Q. And in this e-mail Lauren says to
25 Microsoft: META is working with industry

1 partners to create one-pagers for election
2 officials, in the lead-up to the midterms, that
3 provide steps to create secure accounts --
4 secure accounts and to report MDM; do you see
5 that?

6 A. I do.

7 Q. And she said: We'll be sharing
8 these products at our various engagements with
9 officials, presumably meaning state and local
10 election officials; right?

11 MR. GARDNER: Objection, calls for
12 speculation.

13 A. Yeah, I mean, obviously, I don't
14 know what she means by officials, but I think
15 that's a fair assumption.

16 Q. And that's a one-pager for election
17 officials; correct?

18 A. Yes.

19 Q. Skipping ahead to 22053, page 45 of
20 the PDF, going onto 46.

21 A. Okay.

22 Q. You see here, on May 11, 2022,
23 Lauren Protentis is writing to Twitter: Hope
24 this e-mail finds you well, wanted to circle
25 back on this and see if you have any questions.

1 The team has a few upcoming engagements with
2 elections officials for this one-pager, would be
3 particularly helpful to share as a leave behind;
4 correct?

5 A. Yes, that's what she's written.

6 Q. And Twitter goes back and says:
7 I'll have a one-pager for you later today, just
8 getting the final signoff; right?

9 A. Correct.

10 Q. And then, once he sends it to him,
11 scrolling back up, first, she says: State and
12 local officials in New Hampshire, Illinois, will
13 be the first recipients of this; right? There
14 at the top of the page.

15 The first line on page 45 of the
16 PDF Lauren says --

17 A. Yeah, the e-mail chain is a little
18 funky, so I was just trying to read and make
19 sure the e-mails were connected.

20 Okay. So Twitter provided the
21 one-pager. Lauren said thanks. State and local
22 officials in New Hampshire and Illinois will be
23 the first recipients to this? Okay. Sorry.

24 Q. Then she follows up with another
25 e-mail, saying: Actually, one question, is

1 there a way to include something about how to
2 report disinformation; do you see that?

3 A. Yep. Yep.

4 Q. And Twitter says: The best way for
5 them to do that is to contact gov@twitter.com;
6 right?

7 A. Yep.

8 Q. And I can add that to the doc if
9 that would be helpful; correct?

10 A. Correct.

11 Q. And Lauren says: That would be so
12 helpful if you could add that to the doc. Thank
13 you; right?

14 A. Yep.

15 Q. And Twitter says: They do; right?

16 A. Mm-hmm.

17 Q. So that's the second time she's
18 pushed the social media platform to expand the
19 one-pager to include a reporting process for MDM
20 for the state and local election officials;
21 correct?

22 A. I'm not sure that's how I would
23 characterize it. I think she's just trying to
24 make sure that election officials have the
25 information they need if they want to report.

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1 I'm not sure it's expanding. I don't know.
2 You're making it more dramatic than it was, I
3 think.

4 Q. Well, suffice to say that she's
5 asking Twitter to include information
6 specifically about how do you report MDM;
7 correct?

8 A. About how election officials should
9 support MDM, correct.

10 Q. And Twitter had not included that
11 in theirs, and she asked them to put it in and
12 they did; right?

13 A. It appears so, yeah.

14 Q. Same thing happened, actually, with
15 YouTube in your earlier e-mail, right, they
16 hadn't included it in a one-pager, and she asked
17 them to put it in; correct?

18 A. I don't recall that e-mail. Which
19 e-mail is that?

20 (Exhibit No. 27 was marked for
21 identification.)

22 BY MR. SAUER:

23 Q. Let's move on, actually.
24 I'm going to e-mail you some new
25 exhibits.

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1 I'm pulling up Exhibit 27, which
2 should also be popping up in your inbox.
3 There's a news report entitled: CISA expands
4 efforts to fight election disinformation ahead
5 of challenging 2024 vote; do you see that?

6 MR. GARDNER: Yeah. I'm sorry,
7 John, we're still waiting for your -- oh, just
8 got it. Hold on. Hold up. You said 27?

9 MR. SAUER: Yeah.

10 MR. GARDNER: Here you go.

11 THE WITNESS: Okay.

12 BY MR. SAUER:

13 Q. Do you see the headline: CISA
14 expands efforts to fight election disinformation
15 ahead of challenging 2024 vote; do you see that?

16 A. I do.

17 Q. What steps are you aware of CISA
18 taking to expand its efforts to fight election
19 disinformation going into the next election
20 cycle, 2024?

21 A. At this time, I'm not aware of any.

22 Q. This is dated August 12th, 2022, if
23 you scroll down.

24 A. Sure.

25 Q. Were you aware of any discussions

1 **or efforts -- any efforts at that time?**

2 A. When this was written, in August of
3 2022? I'm sorry, what time?

4 **Q. Well, I'm just saying, are you**
5 **aware, around August of 2022, did CISA -- was**
6 **CISA expanding efforts to fight disinformation?**

7 A. No, no specific efforts, that I'm
8 aware of, I believe there might have been some
9 additional funding requested in the budget, but
10 I'm not sure if that actually went up or not.

11 **Q. What -- what efforts did CISA**
12 **undertake to fight election disinformation**
13 **during the 2022 election cycle?**

14 A. We put out a couple of sets of
15 products.

16 **Q. Anything else?**

17 A. Not -- not that I recall. We
18 honestly we didn't do a ton in 2022.

19 **Q. What were you guys doing, you're**
20 **the MDM team, what did you do to fight MDM?**

21 A. So again, our -- as I mentioned,
22 our role is to build resilience, so we put out
23 the two sets of products, as I mentioned.
24 Earlier in 2022, we put out additional products.
25 I'm sure we gave some stakeholders to build

1 relationships.

2 But generally speaking, we did a
3 lot of foundational work to better understand
4 how it functions, those sorts of things, as
5 opposed to very election-specific activities.

6 Q. Here in the article it says: The
7 danger -- in the second paragraph -- it says:
8 The danger of disinformation has become an
9 incredibly difficult problem, CISA Director Jen
10 Easterly said on Friday; do you see that?

11 A. I do.

12 Q. And it goes on in his report: That
13 Easterly has taken several specific steps to
14 fight the problem, including bringing Kim Wyman,
15 former Secretary of State of Washington into
16 CISA to bolster its election work; correct?

17 A. That's what the article says, yep.

18 Q. What has Kim Wyman done to fight
19 election-related disinformation at CISA?

20 MR. GARDNER: Objection.

21 Objection, lack of foundation, calls for
22 speculation.

23 BY MR. SAUER:

24 Q. You may answer.

25 A. Yeah, can you be more specific

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1 about what you're trying to get to?

2 Q. Well, what does Kim Wyman do at
3 CISA?

4 A. Kim Wyman is essentially the new
5 Matt Masterson. So she's a senior advisor to
6 the director on election security. Most of her
7 work has been engagement with election
8 officials. I also think she was CISA's
9 representative on the CSAC for MDM.

10 So beyond some public speaking
11 and -- and the CSAC work, I'm not sure what else
12 she would have done, would have been doing on
13 MDM.

14 Q. Down here at the very last
15 paragraph, second page of the document, sorry,
16 this is hard to highlight, very last paragraph,
17 it says: While it's not CISA's role to police
18 social media Easterly said her team has
19 discussions with platforms, but they're more to
20 understand large trends, not specific tweets; is
21 that right?

22 A. That's what the article says, yeah.

23 Q. Do you have discussions with
24 platforms discussing large trends of online
25 disinformation?

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1 A. Yeah, I think that's consistent
2 with what we talked about from the sync meetings
3 and the discussions around the public reporting
4 that the platforms have done.

5 **Q. Any other time when there would**
6 **be -- where there was discussions with platforms**
7 **about disinformation trends?**

8 A. I think it's just the two, the
9 normal sync meetings we discussed, and then the
10 normal if they were putting up public reporting
11 we might get a briefing on it. I'm trying to
12 think if we ever received -- yeah, I think those
13 are the big things. We may have done a briefing
14 where we had a platform maybe talk about -- talk
15 with election officials, but I'm not sure if I'm
16 remembering that correctly, so just those two, I
17 think, would be the main ones.

18 (Exhibit No. 28 was marked for
19 identification.)

20 MR. SAUER: Exhibit 28.

21 MR. GARDNER: Should be right
22 there.

23 THE WITNESS: Okay.

24 BY MR. SAUER:

25 **Q. Should be on the screen share, too.**

1 Here's an e-mail chain, starting
2 with Facebook sending an e-mail directly to Jen
3 Easterly, saying she had spoken to Facebook
4 about receiving a briefing from us on 2022
5 election approach; do you see that there, the
6 second page of the document, the beginning of
7 the chain?

8 A. I do.

9 Q. Were you aware that Easterly had
10 reached out to Facebook directly and asked for,
11 I guess in January of 2022, a briefing on how
12 Facebook planned to approach the election?

13 A. I was not.

14 Q. Facebook says: We're happy to do
15 this with your team at your convenience, and
16 we'd also love to discuss further how we might
17 help support the JCDC effort; do you see that?

18 A. I do.

19 Q. What does JCDC stand for?

20 A. I was afraid you were going to ask
21 me that. I don't know exactly what it -- what
22 it stands for, I think it's joint cyber
23 something or another. Sorry, I -- I forget the
24 exact acronym, too many acronyms.

25 Q. Is it a committee or a subdivision

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1 **within CISA or within DHS?**

2 A. I believe it's a -- it's an effort
3 by CISA to -- to collaborate with private sector
4 on cyber defense.

5 **Q. Okay. And Director Easterly**
6 **responds to Facebook saying: Looping in Kris**
7 **and teammates to please follow up; do you see**
8 **that?**

9 A. I do.

10 **Q. And then Kris Rose; do you know who**
11 **Kris Rose is?**

12 A. My understanding is counselor for
13 the director, for Director Easterly.

14 **Q. So -- and he says: Thank you,**
15 **Director. Moving you to BCC; does that stand**
16 **for blind carbon copy?**

17 A. That would be my understanding.

18 **Q. And he says per Geoff, G-e-o-f-f, I**
19 **presume that's a Geoff Hale; right?**

20 A. Yeah.

21 **Q. Sounds like we may want to discuss**
22 **three primary topics that include 2022**
23 **elections; right?**

24 A. Mm-hmm.

25 **Q. Risk management in the face of**

1 **influence of operations; do you know what that**
2 **means?**

3 A. I mean, I don't know what context
4 he was saying it here, but generally speaking,
5 that's CISA's mission to reduce risks to
6 critical infrastructure. So I assume it's risk
7 management from critical infrastructure to
8 influence of operations.

9 **Q. And JCDC, that's the thing you**
10 **testified before?**

11 A. Yeah.

12 **Q. Do you know -- let me ask you this:**
13 **Were you included in this meeting between**
14 **Director Easterly and Facebook?**

15 A. I was not, in fact, I don't know if
16 the meeting actually ever occurred.

17 **Q. Do you know if Geoff Hale**
18 **participated?**

19 A. I -- I don't.

20 (Exhibit No. 29 was marked for
21 identification.)

22 BY MR. SAUER:

23 **Q. Let's look at Exhibit 29.**

24 A. Okay.

25 **Q. Here's a series of text messages**

1 that were produced to us as coming from Director
2 Easterly.

3 So do you see the blue text, that
4 would be Director Easterly, the other side, in
5 the gray, is the interlocutor here on the first
6 page is this gentleman from Facebook; do you see
7 that?

8 A. Yeah.

9 Q. This -- he -- he -- he issued a
10 series of texts. Do you know why he would be
11 texting Director Easterly, does he know her?

12 MR. GARDNER: Objection, compound.
13 Objection, calls for speculation.

14 A. Yeah, I -- I don't know is the
15 short answer. I don't know what their
16 relationship is.

17 Q. Do you know him, Mr. Gleicher?

18 A. Yeah, I know Nathaniel Gleicher,
19 yeah.

20 Q. Does he interact with CISA about
21 misinformation issues on Facebook?

22 A. He does, he participates in the
23 monthly regular meetings that we talked about.

24 Q. What else does he do, do you know,
25 for Facebook on --

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1 A. I'm sorry, what was the last part?

2 Q. What else does he do for Facebook
3 on misinformation?

4 A. Again, I think he would articulate
5 the inoffensive behavior, coordinating
6 inoffensive behavior. So I don't know if he
7 would talk about it in the context of
8 disinformation. But my understanding is he
9 leads the team one of the teams that deals with
10 the coordinated inoffensive behavior.

11 Q. Let me ask you about Rob Silvers.
12 Do you know who Rob Silvers?

13 A. Yes.

14 Q. Who's Rob Silvers?

15 A. He heads up the DHS office of
16 policy. I don't know what his back title is,
17 assistant secretary or secretary, something like
18 that.

19 Q. So he's in the secretary's office?

20 A. I believe he reports up to the
21 secretary, yeah.

22 Q. He -- he -- and Mr. Gleicher says
23 to Jen Easterly: Do you have any context you
24 can share in the role Rob Silvers is playing on
25 disinfo; right?

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1 A. Yep, that's what the text says.

2 Q. I understand his team is a task
3 force set up, and it was suggested that his team
4 is handing policy on disinfo while CISA is
5 handling operations; right?

6 A. Yeah, that's what Nathaniel wrote.

7 Q. What is -- what was your
8 understanding of Rob Silver being involved in
9 policy on disinformation?

10 A. So that is the DHS office of
11 policy. He would be involved in most, I would
12 say, policy activities related to any topic that
13 crossed the department, including
14 disinformation.

15 Q. And Director Easterly says she's
16 happy to chat with Mr. Gleicher; right?

17 A. Yep.

18 Q. You don't know if they actually
19 talked to each other, do you?

20 A. I don't.

21 Q. She goes on to say: Rob is running
22 a governance board to look at potential new
23 areas of confronting MDM; correct?

24 A. That's what she wrote, yeah.

25 Q. Then she says: It doesn't change

1 or impact anything, we, meaning CISA, are doing
2 or have already established; right?

3 A. Yes, that's what she wrote.

4 Q. What were the potential -- what
5 potential new areas of confronting MDM were
6 discussed, do you know?

7 MR. GARDNER: Objection, lack of
8 foundation.

9 A. I don't have any clue.

10 Q. Next page, there's an e-mail from
11 Matt Masterson to the director; right?

12 A. Yep.

13 Q. This is a -- Matt Masterson know
14 the director well, I take it he was a political
15 appointee, did you say that?

16 A. In previous administration --
17 excuse me -- yeah, he was a political appointee.
18 I don't know what his relationship with the
19 director was, so I don't know how well he knew
20 her.

21 Q. What was the director's role in the
22 previous administration, was she at CISA?

23 A. No. Director Easterly was not at
24 CISA, no.

25 Q. Who was she?

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1 A. I'm sorry?

2 Q. Was she in government?

3 A. Prior to the -- in the previous
4 administration?

5 Q. Yeah.

6 A. I don't know. I think her
7 immediate previous job was in the private
8 sector, but I don't know how long and if she
9 spent any time, at all, in the -- in the
10 previous administration in government.

11 Q. And here, Director Easterly says to
12 Matt Masterson, just trying to get us in a place
13 where FED can work with platforms to better
14 understand the mis, dis trends so relevant
15 agencies can try to prebunk/debunk as useful;
16 correct?

17 A. That's what she wrote, yeah.

18 Q. And that discussion of trends is
19 similar to her statement in the media article we
20 just looked at about how CISA is interacting
21 with social media platforms to identify trends;
22 correct?

23 A. She mentioned trends in both,
24 correct.

25 Q. And here she -- the reason she

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1 wants to understand the trends from the
2 platforms is so that the relevant agencies can
3 try to prebunk or debunk the mis and
4 disinformation; correct?

5 A. Yeah, I think that's what she's
6 saying.

7 Q. Can you do that at CISA, when you
8 find out about a trend do you go try to work
9 with another federal agency to prebunk or debunk
10 it?

11 A. So again, from a resilience-
12 building perspective, you know, what we try to
13 do is provide accurate information about those
14 issues and topics that are relevant to us. So
15 from an election perspective we would try to
16 provide appropriate information about elections,
17 so that the universe reality page would be an
18 example of that, it would fall more potentially
19 into the debunking side.

20 Prebunking is trying to understand
21 ahead of time what could happen so you could
22 fill information gaps.

23 And so that's generally kind of how
24 resilience works. So yeah, we would -- we would
25 try to do some of that.

1 I don't know -- so we worked a
2 little bit with the FBI, on products or
3 resilience-based products, as I mentioned. I
4 say that's probably -- we worked, as I mentioned
5 earlier, we worked with the GAC initiative about
6 tactics and such.

7 So those are the types of things
8 that we would do to, again, help people
9 understand how MDM works and steps they can take
10 to reduce the risks.

11 **Q. Her next text here, Director**
12 **Easterly's next text says: Not our mission, but**
13 **was looking to play a coord role so not every**
14 **D/A is independently reaching out to platforms**
15 **which could cause a lot of chaos; right?**

16 A. That's what she wrote, yep.

17 **Q. What does D/A mean, is that**
18 **department or agency?**

19 MR. GARDNER: Objection, calls for
20 speculation.

21 BY MR. SAUER:

22 **Q. If you know.**

23 A. That's -- that is one of our common
24 abbreviations for department and agency, but I'm
25 not sure if that's what she's referring to here.

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1 Q. Do you know -- let me ask this: Do
2 you believe that if every federal department and
3 agency is independently reaching out to the
4 platforms that could cause chaos?

5 A. Yeah, I think chaos might be a
6 little strong. But, you know, it does create
7 challenges and provides the platforms
8 opportunities to play departments off each
9 other.

10 Q. Does -- does CISA try to play a
11 coordinating role in that, in other words,
12 coordinating between the federal agencies and
13 the social media platforms on disinformation and
14 misinformation issues?

15 A. So we did do that as it relates to
16 the sync meetings we discussed throughout the
17 testimony. Beyond that, we didn't -- we didn't
18 attempt to play a substantial role in terms of
19 coordinating between.

20 Q. Let me ask you this: Matt
21 Masterson responds to this e-mail or this text
22 and says: We'll get there, and that kind of
23 leadership really helps. Platforms have got to
24 get more comfortable with government. It's
25 really interesting how hesitant they remain;

1 correct?

2 A. That's something I wrote.

3 Q. Is that consistent with your
4 experience that the social media platforms have
5 to be kind of pushed or encouraged to coordinate
6 with the government on misinformation issues?

7 A. I don't think that's how I would
8 characterize it. You know, we operate in a
9 voluntary kind of manner, so it's voluntary
10 whether -- for CISA, again, for CISA, the MDM
11 team, so it's always up to the platforms what
12 level of engagement they want to have with us.

13 Q. Do you know whether Masterson and
14 Easterly had any further discussion of these
15 issues?

16 A. I don't know.

17 Q. Let me send you a couple more
18 exhibits. And while they are coming, do you
19 know, were you involved, at all, in the
20 formation --

21 MR. GARDNER: I'm sorry, John, I'm
22 sorry, the witness just asked me if we can take
23 a break.

24 MR. SAUER: Oh.

25 THE WITNESS: Just a few minutes,

1 bathroom break.

2 MR. SAUER: Well, why don't we make
3 it five, and try to make it the last break of
4 the day. How long have we been on the record?

5 MR. SCOTT: We got back on at 3:50,
6 so it's 4:40, so it's 50 minutes in, we have an
7 hour and 10 minutes left.

8 MR. GARDNER: He's been reliable.
9 We need to do this off the record, first of all.

10 THE VIDEOGRAPHER: The time is now
11 4:42. We are off the record.

12 (Recess.)

13 THE VIDEOGRAPHER: The time is
14 4:53. We are back on the record.

15 (Exhibit No. 30 was marked for
16 identification.)

17 BY MR. SAUER:

18 Q. Exhibit 30 should be in your inbox.
19 I'll put it up on the screen share.

20 Here's an article in The Intercept
21 called Truth Cops, Leaked Documents Outline
22 DHSA's Plans to Police Disinformation; do you
23 see that?

24 A. Yeah, we don't have it on here, but
25 I saw the headline in your screen share.

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1 Q. Okay. Sorry. But scrolling down,
2 still on the first page, it says: The
3 Department of Homeland Security is quietly
4 broadening its effort to curb speech it
5 considers dangerous; do you see that?

6 A. I see that in the article, yep.

7 Q. Are you aware of DHS broadening its
8 efforts to address disinformation?

9 A. I am not, no.

10 Q. Has CISA been expanding its MDM
11 team?

12 A. As I mentioned earlier, we have
13 not.

14 Q. Let me ask you this: Scrolling
15 down here, third page of the document, it says:
16 There is also a formalized process for
17 government officials to directly flag content on
18 Facebook or Instagram and request that it be
19 throttled or suppressed through a special
20 Facebook portal that requires a government or
21 law enforcement e-mail to use; do you see that?

22 A. Yeah, I see that in the article.

23 Q. And it actually provides a link for
24 it, Facebook.com/Xtakedowns/login; are you aware
25 of that reporting channel for government

1 officials?

2 A. I am not, no.

3 Q. On the next page, fourth page of
4 the document, it says: According to a draft
5 copy of DHS's quadrennial Homeland Security
6 review, DHS's capstone report outlining the
7 department's strategy and priorities in the
8 coming years, the department plans to target
9 inaccurate information on a wide range of
10 topics; do you see that?

11 A. Yeah, I see that in the article.

12 Q. Are you aware of the document
13 that's a draft of the quadrennial Homeland
14 Security review?

15 A. I know it says quadrennial Homeland
16 Security review is, I don't know if I've seen
17 the draft of the most recent one.

18 Q. Have you seen any drafts of the
19 most recent one?

20 A. Not that I recall.

21 Q. When does it -- when does it get
22 finalized?

23 A. I -- I -- I don't know.

24 Q. It says: Including the origins of
25 the COVID-19 pandemic and the efforts of the

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1 COVID-19 vaccines, racial justice, US withdrawal
2 from Afghanistan, and the nature of US support
3 for Ukraine, in quotes; do you see that?

4 A. I do.

5 Q. Are you aware of discussions
6 anywhere in DHS about addressing misinformation
7 about the origins of the COVID-19 pandemic?

8 A. I am not.

9 Q. So how about the efficacy of
10 COVID-19 vaccines?

11 A. Yes, I'm aware of some discussions
12 on that.

13 Q. What discussions are you aware of?

14 A. So it was a -- as I mentioned
15 earlier, our building critical infrastructure
16 help in public health is one of the sectors of
17 critical infrastructure, so we engage with CDC
18 and HHS to help them. We've also put out one
19 product, sometime in mid 2020, for
20 infrastructure stakeholders about COVID-related
21 disinformation.

22 Q. What do you do to assist CDC and
23 HSH?

24 A. For the most part, not a lot, to be
25 honest. Like I said, we did the one product

1 related to them, and we just participate in
2 meetings with them. From our perspective,
3 again, we're trying to understand trends, how
4 this information is spreading tactics so we can
5 help the public, the public and organizations,
6 critical infrastructure organizations, as well
7 as some others, understand the risks from MDM
8 and how it works and what they can do about it.

9 **Q. Do you -- do you obtain information**
10 **from CDC and HHS about how COVID vaccine**
11 **misinformation spreads?**

12 A. I believe that they provided some
13 briefings on that, yeah.

14 **Q. And do you also provide briefings**
15 **to them or information to them?**

16 A. We did some work on the kind of
17 bio-lab narratives, so this is essentially
18 foreign governments, whenever anything happens,
19 whether biological and sometimes not, they will
20 point to US biolabs as being the culprit behind
21 it, and so as part of our resilience-building
22 efforts we're trying to understand how foreign
23 actors have used that narrative over time.

24 And so we, starting back in the
25 '80s, probably since back in the '80s, the

1 Russians were using that. Usually they're
2 saying at Fort Detrick or some other kind of US
3 entity is a biolab, and that's where whatever it
4 starts.

5 We saw this with COVID. We saw
6 this Monkey Pox. We saw this around Ukraine.
7 And so, again, just helping people understand
8 that a lot of these disinformation narratives
9 are recycled over time, for different issues, as
10 a way to help build resilience.

11 **Q. How about racial justice, are you**
12 **doing anything to address misinformation about**
13 **racial justice issue?**

14 A. CISA has not, to my knowledge, done
15 anything related to racial justice.

16 **Q. How about other DHS components, do**
17 **they do anything on that?**

18 A. Not that I'm aware of, but
19 obviously I don't know everything that they do.

20 **Q. How about US withdrawal from**
21 **Afghanistan, does CISA work on that?**

22 A. Not that I'm aware of.

23 **Q. And how about other DHS components?**

24 MR. GARDNER: Objection, calls for
25 speculation.

1 A. Yeah, I -- I'm not aware of what
2 other components are doing.

3 **Q. And then the nature of US support**
4 **to Ukraine?**

5 A. So there was a department stood
6 out, what's called the Unified Coordination
7 Group, when Russia invaded Ukraine, to
8 coordinate DHS activities related to the crisis.
9 As a part of that there was an MDM component,
10 and a member of the MDM team was detailed to
11 lead the MDM component of the Russian/Ukraine
12 work. I believe it lasted about two months.

13 **Q. What did they do?**

14 A. The Unified Coordination Group.
15 Sorry.

16 **Q. What did that group do?**

17 A. So most of it took place while I
18 was out, so I don't have a super clear
19 understanding of everything, but generally
20 speaking, they provided a -- they would monitor
21 open source researching.

22 So we talk about third-party
23 researchers, we put out reports, and things like
24 that, and they would provide situational
25 awareness, at least from our perspective, CISA

1 perspective, they would provide situational
2 awareness up to the MDM Unified Coordination
3 Group.

4 **Q. Who at CISA participated in that?**

5 A. So Rob Schaul from the MDM team was
6 detailed to the Unified Coordination Group, and
7 then several members of the team would have been
8 monitoring open source.

9 So we have the open source
10 reporting. These are third-party research
11 reports, things like that, to point to
12 information to just make leadership aware.

13 **Q. Did they -- did that group**
14 **communicate with social media platforms about**
15 **disinformation relating to Ukraine?**

16 A. By that group, do you mean Unified
17 Coordination Group?

18 **Q. Correct.**

19 A. I -- I don't know.

20 **Q. Rob Schaul would know that?**

21 A. He led the team, so I suspect he
22 might.

23 **Q. Do you know if that team**
24 **communicated with social media platforms, at**
25 **all?**

1 A. I don't know. There was a call, at
2 some point, early, between -- between critical
3 infrastructure and I believe some social media
4 around that, but I wasn't around for that call
5 so I don't really know the nature of what was
6 discussed or anything along those lines.

7 **Q. There was a call between -- and I'm**
8 **sorry, I couldn't hear clearly what you said --**
9 **there was a call between social media platforms**
10 **and -- and who?**

11 A. So I believe the way I understand
12 the call is it facilitated a call with critical
13 infrastructure, the critical infrastructure
14 community, to private sector companies, sector
15 risk management agencies, folks that were
16 involved in critical infrastructure security. I
17 believe, my understanding is that call did
18 include some social media platforms.

19 **Q. And you -- but you don't know what**
20 **was said in that call?**

21 A. No, I wasn't -- I wasn't back at
22 CISA yet.

23 **Q. Do you know when the call occurred?**

24 A. It would have been in probably the
25 February -- February time -- timeframe, I would

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1 think.

2 Q. February 2022?

3 A. Correct.

4 (Exhibit No. 31 was marked for
5 identification.)

6 BY MR. SAUER:

7 Q. I'm putting up Exhibit 31 on the
8 screen share. You should have it in front of
9 you.

10 A. Okay. I got it.

11 Q. Here's a report from the Office of
12 the Inspector General, entitled: DHS needs a
13 unified strategy to counter disinformation
14 campaigns; do you see that?

15 A. I do.

16 Q. Are you familiar with this OIG
17 report?

18 A. Mostly familiar with it, yeah.

19 Q. Were you aware that they -- do you
20 know what the day of the report is?

21 A. Says August 10th, 2022.

22 Q. And I take it this report is
23 recommending that here to what we have found,
24 DHS needs unified strategy or -- to address
25 disinformation; right? Right here, it says:

1 DHS does not yet have a unified department-wide
2 strategy to effectively counter disinformation
3 that originates from both foreign and domestic
4 sources; correct?

5 A. I'm trying to find that. Okay.

6 Q. Yeah.

7 A. DHS does not yet have a unified
8 strategy. Correct, yeah, that's what's written
9 there.

10 Q. Do you share that view, do you
11 think DHS lacks a department-wide strategy?

12 A. Yes.

13 Q. Do you think that different
14 components of DHS are engaging in different sort
15 of MDM-related activities without coordinating
16 with each other?

17 A. Yeah, I think that's a fair
18 assumption.

19 Q. Were you aware that this
20 recommendation was made for DHS to do internal
21 and external coordination better?

22 A. Was I aware that this report was
23 stating that DHS needs to do better in internal
24 and external coordination?

25 Q. Yeah.

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1 A. I -- I don't know if that's what it
2 says, is there a page in here where that
3 recommendation is or those recommendations?

4 **Q. Let's go to page 7.**

5 A. Is this PDF 7 or document page 7?

6 **Q. Good question. It's PDF 9,**
7 **document --**

8 A. PDF 9? Okay.

9 **Q. It's here underneath the graphic**
10 **novels images, there's a paragraph that begins:**
11 **More recently; do you see that?**

12 A. Yep.

13 **Q. It says: In January 2021 CISA**
14 **transitioned its countering foreign influence**
15 **task force to promote more flexibility to focus**
16 **on general MDM; right?**

17 A. Mm-hmm, that's what it says.

18 **Q. And that CISA's got 15 dedicated**
19 **part- and full-time staff; is that still true?**

20 A. No.

21 **Q. I'm sorry, the MDM team has 15**
22 **staff; is that still true?**

23 A. No.

24 **Q. How many does it have?**

25 A. Right now, we have five full-time

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1 staff plus one on maternity leave, so six. And
2 then we have one, two, two contractor's
3 support -- no, three contractor's supporting us.

4 Q. Did at some time you have 15 people
5 working on this on the MDM team?

6 A. I suspect at the height of the team
7 if you add in all the contractors there it
8 probably got close to 15, but I'm not sure of
9 the exact number.

10 Q. When was the height of the team?

11 A. Staff plus contractors was
12 probably -- good question. When was the height
13 of the team? We didn't have much contract
14 support in 2020, so I would probably say 2021,
15 while I was gone.

16 Q. It says: The MDM team focuses on
17 disinformation activities targeting elections
18 and critical infrastructure. According to a
19 CISA official, the MDM team counters all types
20 of disinformation, to be responsive to current
21 events; is that right?

22 A. That's what the document says, yep.

23 Q. Is that true that the MDM team
24 counters all types of disinformation to be
25 responsive to current events?

1 A. We, again, try to build resilience
2 and reduce risks to critical infrastructure. So
3 I -- you know, if the event could impact
4 critical infrastructure, that would be something
5 we would consider addressing.

6 **Q. Does critical infrastructure**
7 **include cognitive infrastructure?**

8 A. Not through national policy.

9 **Q. Okay. Let me go two pages further,**
10 **paragraph -- page 9, it says: For example,**
11 **according to an ODNI official, prior to the**
12 **November 2020 elections CISA and I&A joined in**
13 **weekly teleconferences to coordinate**
14 **intelligence community activities to counter**
15 **election-related disinformation; correct?**

16 A. That's what the document says, yes.

17 **Q. Were you aware of those calls,**
18 **that's a coordinating call between CISA, I&A and**
19 **ODNI?**

20 A. No, that was a coordinate -- so
21 yeah, from the call, but the calls were DNI-led
22 coordination calls of the intelligence
23 community. CISA was there mostly from an
24 observer standpoint, to do as an election
25 security lead. But it was -- it was an intel

1 community-focused coordination and conversation.

2 Q. Who from CISA participated in those
3 calls?

4 A. I think it was just a random -- a
5 random mix. Geoff did not generally participate
6 in them. I didn't generally participate in
7 them, although I think I did maybe once or
8 twice, normally somebody at the staff level.

9 Yeah, we have an intel office in
10 CISA, so I suspect that at least somebody from
11 the intel office was on the calls. But I think
12 it was just, you know, it was who's available at
13 the staff level would go participate at that
14 time.

15 Q. Was disinformation, you know, how
16 to combat disinformation on social media, is
17 that discussed in these calls?

18 MR. GARDNER: Objection, calls for
19 speculation, lack of foundation.

20 A. My understanding, my recollection
21 of the calls, at least the couple I was on, it
22 was generally the intel community talking about
23 what products they were developing, what
24 analysis they were doing, things along those
25 lines.

1 Q. The next sentence says: The office
2 of the DNI official stated the teleconferences
3 continue to occur every two weeks after the 2020
4 elections, and were still taking place at the
5 time of this audit in August of 2022; do you see
6 that?

7 A. I do.

8 Q. Yeah, what -- are those calls still
9 going on today, every two weeks?

10 A. I don't know. That was -- that's
11 a -- THAT they're still continuing to November
12 of 2022 is news to me. So yeah, I don't -- as
13 far as I know, we weren't participating in them.
14 I wouldn't be surprised if there was some calls
15 going on, but I don't recall. The intel
16 community doesn't tell community things when I
17 was involved in that.

18 Q. Why don't I e-mail you another
19 exhibit, 27.

20 MR. GARDNER: John, if you just
21 spoke, I couldn't hear you, but sound wasn't
22 coming through.

23 MR. SAUER: I'm sorry. Yeah,
24 actually, I'm going to skip that one. I meant
25 Exhibit 23, which I'm now e-mailing you.

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1 MR. GARDNER: Not Exhibit 27?

2 MR. SAUER: 27 should look familiar
3 to you. We talked about it already.

4 MR. GARDNER: Okay. Just to be
5 clear, are we talking about 27 now or a
6 different exhibit?

7 MR. SAUER: 23.

8 MR. GARDNER: Okay. Don't have
9 that yet, but as soon as we do.

10 MR. SAUER: And I'm putting it up
11 on the screen share, too.

12 (Exhibit No. 23 was marked for
13 identification.)

14 BY MR. SAUER:

15 Q. Here's a November 2021 report on
16 public comments by Director Easterly and The
17 Hill; do you see that?

18 A. Yes.

19 Q. It says: The title is cyber agency
20 beefing up disinformation misinformation team;
21 correct?

22 A. Correct.

23 Q. And in the first paragraph says:
24 CISA is beefing up its disinformation and
25 misinformation team in the wake of a dismissive

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1 **precedential election that saw a proliferation**
2 **of misleading online information; correct?**

3 A. Yeah, that's what the article says.

4 **Q. Were you aware of efforts to beef**
5 **up the misinformation team in November of '21?**

6 A. No, not specific efforts. I was
7 over at the National Security Council at the
8 time.

9 **Q. When did you come back from that**
10 **detail?**

11 A. The detail officially ended in
12 early March, and I took some leave and started
13 back at CISA in early to mid April.

14 **Q. And the director says in the next**
15 **paragraph: I'm actually going to grow and**
16 **strengthen my misinformation and disinformation**
17 **team; do you see that?**

18 A. I do.

19 **Q. I know you were on detail then, are**
20 **you aware of efforts to grow and strengthen the**
21 **team, for example, by adding new people?**

22 A. Again as I mentioned earlier in my
23 testimony, my understanding is there was some
24 budget increase that was proposed. I don't -- I
25 don't know if that moved forward or not, from

1 the department.

2 Q. Is the -- do these remarks coincide
3 with what you said was kind of the high point,
4 when you had 15 people on the MDM team, was that
5 around, you know, November 2021?

6 A. It's hard to say for sure. I'm
7 not -- I'm not sure how they're counting
8 positions. So I don't think we ever had 15
9 federal employees. So there's, you know, it
10 seems to me like they were probably counting
11 contract support, so -- so it's hard for me to
12 say exactly when that would have been.

13 Q. You say there was, in this
14 timeframe, some attempt to get budget authority
15 to add people to the MDM team?

16 A. It was my understanding that there
17 was a request for additional funds made to the
18 budget. But again, I don't know, the budget
19 process is a little bit of a mystery to me, so
20 I'm not sure what exactly happened along the
21 way, if it ended up in the -- you know, in the
22 budget requests or what.

23 Q. The next paragraph says that
24 Easterly noted that earlier this week she had a
25 meeting with six of the nation's experts in that

1 misinformation and disinformation space; do you
2 see that?

3 A. I do.

4 Q. Do you know who she met with?

5 A. I don't.

6 Q. Do you know who are six of the
7 nation's experts in disinformation and
8 misinformation?

9 A. I mean, I could come up with a list
10 of experts. I don't know if that's who she met
11 with.

12 Q. She stressed her concerns around
13 this being a top threat for CISA; correct?

14 A. That's what the article says, yep.

15 Q. And it goes on to quote her,
16 saying: One could argue we're in the business
17 of critical infrastructure, and the most
18 critical infrastructure is our cognitive
19 infrastructure; correct?

20 A. That's what the quote says, yep.

21 Q. Do you -- do you -- do you -- does
22 the MDM team view protecting our cognitive
23 infrastructure as part of its mission?

24 A. No. We look at the -- again, the
25 international policy there's, like, 16 sectors,

1 and those are the critical infrastructure
2 factors we look to protect. So we wouldn't
3 include cognitive infrastructure in that list.

4 **Q. One of them is election**
5 **infrastructure; is that right?**

6 A. Election infrastructure is actually
7 a subsector of the government's stability
8 structure.

9 **Q. So if someone posts information on**
10 **social media implying that, you know, ballots**
11 **were being shredded by poll workers, what**
12 **infrastructure is that a threat to?**

13 MR. GARDNER: Objection, calls for
14 a hypothetical.

15 A. Yeah, I would rather not answer
16 hypotheticals.

17 **Q. You have no instruction not to**
18 **answer, please answer the question.**

19 MR. GARDNER: Same objection.

20 A. Yeah, I'm not answering a
21 hypothetical.

22 **Q. Please answer the questions. If**
23 **someone posts on social media --**

24 A. Can you give me an example of the
25 post?

1 Q. If you look at all the posts we
2 looked at earlier in your e-mails, where, for
3 example, suppose someone posts the hammer and
4 scorecard conspiracy on social media, and
5 Director Krebs tells you to reach out to social
6 media platforms to see what they're doing about
7 it, how does the posting about the hammer and
8 scorecard narrative on social media threaten
9 critical infrastructure?

10 A. So it -- so generally speaking,
11 this mis, mal-information threatens critical
12 infrastructure in a number of ways, it could be
13 operational impact, so in the case of the
14 elections, disrupting election operations,
15 things along those lines. It could be human
16 impact, so again, see election example, there's
17 a lot of threats of violence made against
18 election officials, making it harder to do their
19 jobs.

20 So a multitude of ways that
21 disinformation could impact critical
22 infrastructure, like I said, we -- you know,
23 there's financial, there's reputational, there's
24 just a multitude of ways that this
25 disinformation could affect critical

1 infrastructure.

2 Q. Does infrastructure have a
3 reputational interest?

4 A. Does infrastructure have a
5 reputational interest?

6 MR. GARDNER: Objection, vague.

7 THE WITNESS: Yeah, could you be a
8 little more specific.

9 BY MR. SAUER:

10 Q. You just used the word, you said
11 there's financial, there's reputational, what do
12 you mean by that? What is the reputational
13 threat to critical infrastructure from social
14 media postings?

15 A. Well, I wouldn't -- I wasn't saying
16 specifically from social media postings. I was
17 saying from fraud, from mis, dis and
18 mal-information, a reputational risk could come
19 about if the integrity or the public confidence
20 in a particular sector was critical to that
21 sector's functioning.

22 So I think the financial services
23 would probably be a good example. So if there's
24 a loss of confidence by the American public in
25 financial services, financial systems of the

1 United States, that could create national
2 security concerns.

3 **Q. Explain that to me, how would a**
4 **loss of confidence in the financial system**
5 **create national security concerns?**

6 A. Lots of ways, you can have runs on
7 banks, such as the banking, you could have, you
8 know, other sorts of issues related to that, so
9 yeah, so there's -- you know, if there's a loss
10 of confidence, if there's a run on banks and
11 there's a run on the financial systems, those
12 sorts of things can create physical harms,
13 operational harms.

14 So again, if we go back to the list
15 of potential harms, the reputational could lead
16 to operational, right? So banks could be
17 overwhelmed with people showing up trying to
18 take money out. They could be overwhelmed with
19 people showing up elsewhere at other facilities
20 and disrupt our operations. So it's a full
21 range of potential risks. A lot of these are
22 cascading, and so, yeah.

23 **Q. So is it part of the MDM team's job**
24 **and CISA's job to counter disinformation that**
25 **creates reputational risks to, for example, the**

1 **financial services industry?**

2 A. So again, our mission is to build
3 resilience. And so we would work -- if the
4 financial services sector wanted us to work with
5 them, to develop products to help them
6 understand how mis, dis and mal-information
7 could impact their -- their sector, we would --
8 we would work with them on that yes.

9 **Q. What sorts of mis, dis and**
10 **mal-information might undermine confidence in**
11 **the financial services?**

12 A. I don't know. We haven't -- we
13 haven't dealt with that. We're not financial
14 services experts, so we generally defer to a
15 department or agency.

16 So in this case, Treasury, the
17 sector risk management agency responsible for
18 the financial services sector, so our expertise
19 with the MDM team is understanding MDM and
20 potentially to mitigate risks and to build
21 resilience, and so we wouldn't be the experts on
22 the actual financial services MDM.

23 **Q. So everything you just said about**
24 **the financial services was a lengthy**
25 **hypothetical?**

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1 A. Like I said, I don't like getting
2 into hypotheticals.

3 Q. You did for awhile, there.

4 Scrolling down in the same
5 document, it says -- there's a quote from
6 Director Easterly, where she says now --

7 MR. GARDNER: Sorry, hold on.

8 MR. SAUER: Can you guys hear me
9 now?

10 MR. GARDNER: Yeah.

11 MR. SAUER: Okay.

12 BY MR. SAUER:

13 Q. Quote from Director Easterly, we
14 now live in a world where people talk about
15 alternative facts, post truth, which I think is
16 really, really dangerous, if you get to pick
17 your own facts, and it's particularly corrosive
18 when you talk about matters of election
19 security; right?

20 A. That's the quote, yeah.

21 Q. And is that kind of consistent with
22 what the MDM team does, it tries to prevent a
23 situation where Americans get to pick their own
24 facts?

25 MR. GARDNER: Objection, vague.

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1 A. I -- I -- that's -- no, that's not
2 consistent with what we do.

3 **Q. So that's -- that's not a -- you**
4 **don't think Director Easterly's description is**
5 **very fair?**

6 MR. GARDNER: Objection,
7 mischaracterizes the witness's previous
8 testimony.

9 A. Yeah, if I understand your question
10 you said that CISA played a role in alternate
11 facts and post truths and things like that, and
12 CISA does not do that sort of thing.

13 MR. SAUER: Sending you a few more
14 exhibits by e-mail. You should be getting two
15 e-mails, the first one with three attachments,
16 and the second one with one.

17 It may take a minute. It's loading
18 slowly on my end. Okay. I'm opening Exhibit
19 49, and I'll put that on the screen share.

20 (Exhibit No. 49 was marked for
21 identification.)

22 BY MR. SAUER:

23 **Q. Did you give an interview to the**
24 **Berkman Klein Center on June 18th of 2020?**

25 A. I don't recall the specific date,

1 but I did give them an interview, so that's
2 probably about right.

3 Q. And this is an interview by The
4 Breakdown. And do you recall doing this
5 interview?

6 A. I do.

7 Q. On the third page of the document,
8 you say: For us, in particular -- oops, it
9 didn't highlight well -- for us, in particular,
10 you see here, it's the second bullet -- for us,
11 in particular, we're trying to reduce the amount
12 that Americans engage with disinformation;
13 right?

14 A. Yes.

15 Q. Is that -- to your mind, is that a
16 good summary of what the MDM team does, it tries
17 to reduce the amount that Americans engage with
18 disinformation?

19 A. That's the general idea behind
20 resilience-building, yeah.

21 Q. What is engaging with
22 disinformation?

23 A. Amplifying it, re-tweeting it,
24 resending it, things like that.

25 Q. How about liking it on social

1 media, is that a form of engagement?

2 A. Yep.

3 Q. How about just reading it, is that
4 a form of engagement?

5 A. No.

6 Q. So if you're reading disinformation
7 is not engagement with it?

8 A. Correct.

9 Q. But -- but so engagement is taking
10 some affirmative step further, like you said,
11 amplify, like, repost, that's kind of
12 disinformation, in your view, I'm sorry, that's
13 engagement; correct?

14 A. Yes.

15 Q. And it's part of CISA's or the --
16 CISA's job to try to reduce the amount that that
17 happens; right?

18 A. I wouldn't characterize it that
19 way. I would say the ultimate goal of building
20 resilience is that people are less likely to
21 amplify mis and disinformation.

22 Q. And that's what you're trying to do
23 at the MDM team, is reduce the amount that
24 Americans engage with disinformation?

25 A. Yeah, through public awareness and

1 public engagement and things like that, yep.

2 Q. The last page of the document, you
3 say -- here there's a paragraph where you say:
4 The question is, we have people calling for more
5 monitoring of speech on platforms. And then you
6 go on to say: We have to built the platforms
7 that this is a lie and they need to take it down
8 or we're asking the platforms to do that; right?

9 A. Yeah, that's what -- that's what
10 the quote is, yep.

11 Q. Okay. Is that, in fact, what the
12 MDM team is doing or I guess it was countering
13 foreign influence task force team was doing in
14 2020 when it was routing disinformation concerns
15 to Facebook, were you telling them to --

16 A. No.

17 Q. Go ahead.

18 A. No. Essentially what this quote is
19 saying is that in the general conversation about
20 how to address mis and disinformation there are
21 a lot of people saying that we should -- the
22 government should be the ones taking things
23 down, or the government should be asking the
24 platforms to do certain things, and that's not
25 necessarily the right spot for government to be.

1 Q. So when you say: We have to tell
2 the platforms that this is a lie and they need
3 to take it down, you're attributing that view to
4 other people, not yourself?

5 A. Yeah, so that's generally what we
6 hear a lot, you go out and you talk to different
7 groups about disinformation that's just a common
8 theme that we would hear from people that we
9 should be doing.

10 And as I mentioned, the rest of the
11 quote is -- is -- it's just not a question of
12 what we should be doing. There's lots of issues
13 and things like that there. So that's what I
14 was trying to get across there.

15 (Exhibit No. 52 was marked for
16 identification.)

17 BY MR. SAUER:

18 Q. **Exhibit 52.**

19 A. 52? I've got it.

20 MR. SAUER: How long have we been
21 on the record.

22 MR. SCOTT: So I have an unofficial
23 tally of six hours and 32 minutes.

24 MR. SAUER: Okay. Exhibit --

25 MR. GARDNER: I agree.

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1 BY MR. SAUER:

2 Q. Exhibit 52, if we go in this
3 e-mail -- excuse me, there's an e-mail from
4 Lauren Protentis copying Allison Snell and Geoff
5 Hale and Rob Schaul to a contact at Google; do
6 you see that?

7 A. Mm-hmm.

8 Q. And she says, this is in February
9 17th of 2022; do you see that?

10 A. I do.

11 Q. And she says: Hi Richard, I hope
12 this e-mail finds you well. The Department of
13 Treasury has asked our team for an appropriate
14 POCs -- I assume that means points of contact --
15 to discuss social media and influence matters.
16 We would like to make a connection to Google, if
17 you're amenable; do you see that?

18 A. I do.

19 Q. What -- do you know why Treasury
20 reached out to CISA to get a contact for -- at
21 social media platforms to discuss social media
22 and influence matters?

23 MR. GARDNER: Objection, lack of
24 foundation.

25 A. I -- I don't know why Treasury

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1 reached out, but CISA obviously, as we discussed
2 earlier, has points of contact in various social
3 media companies.

4 Q. Does that happen from time to time,
5 that other agencies would reach out to CISA and
6 say: Can you put us in touch with a social
7 media contact?

8 A. It's -- it's happened a couple
9 times. I don't -- I don't -- I don't recall how
10 many, and it's -- it's been awhile, I think,
11 but -- so if that qualifies as time to time.

12 Q. Do you know what Lauren Protentis
13 meant when she talked about social media
14 influence matters, do you know what that means?

15 MR. GARDNER: Objection, calls for
16 speculation.

17 A. Yeah, I don't know what she means.

18 Q. Were you on detail when this e-mail
19 was sent?

20 A. I was.

21 Q. Do you remember any discussions
22 with anyone about the Department of Treasury
23 reaching out to discuss -- I'm sorry -- wanting
24 to be put in place in contact with social media
25 platforms?

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1 A. I don't, no.

2 Q. There's a follow up e-mail from
3 Ms. Protentis, saying: Apologies for the second
4 e-mail, this is somewhat time sensitive. Do you
5 know why Treasury was raising a time sensitive
6 concern -- concern?

7 MR. GARDNER: Objection, calls for
8 speculation.

9 A. I don't know.

10 Q. Do you know if Treasury ever
11 connected with the social media platform?

12 A. I don't know.

13 (Exhibit No. 46 was marked for
14 identification.)

15 BY MR. SAUER:

16 Q. I'm pulling up Exhibit 46. It
17 should be in the second e-mail I sent you a
18 moment ago.

19 A. I got it.

20 Q. Here's a draft report to the CISA
21 director, dated June 22nd, 2022; correct?

22 A. Yes.

23 Q. This is from the CISA cyber
24 security advisory committee; correct?

25 A. It appears so, yep.

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1 Q. I believe you said in your
2 interrogatory responses that this also has an
3 MDM subcommittee; is that right?

4 A. Yes, that's correct.

5 Q. Do you participate in those
6 committees, either the security advisory
7 committee or the MDM subcommittee?

8 A. I don't.

9 Q. Who participates from -- does
10 anyone participate from the MDM team in those --
11 those committees?

12 A. Not from the MDM team, no.

13 Q. So no one on the MDM team
14 participates in the committees?

15 A. No.

16 Q. Who from CISA participates, do you
17 know?

18 A. Kim Wyman is, as I mentioned
19 earlier, I think, that was one of her
20 responsibilities, and then Geoff Hale
21 participated.

22 Q. And then who else, from outside
23 CISA, participates in these meetings?

24 MR. GARDNER: Objection, lack of
25 foundation.

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1 A. I don't know who's -- I don't know
2 who's in the -- the participant list. I believe
3 it's all publicly available online.

4 **Q. Turning to the second page of this**
5 **document.**

6 A. Okay. Recommendations?

7 **Q. Yeah. First bullet point, do you**
8 **see there, it says: CISA should focus on MD --**
9 **I assume that's mis and disinformation?**

10 A. Is that a question?

11 **Q. Yeah. Is that --**

12 MR. GARDNER: Objection, calls for
13 speculation, lack of foundation.

14 BY MR. SAUER:

15 **Q. Does MD refer to mis and**
16 **disinformation?**

17 A. In the context, I would say that it
18 does, but I don't -- I don't know what they
19 meant by it.

20 **Q. It says: CISA should focus on MD**
21 **that risks undermining critical functions of**
22 **American society, including sub-bullet one, MD**
23 **that suppresses election participation or**
24 **falsely undermines confidence in election**
25 **procedures and outcomes; correct?**

1 A. Correct.

2 Q. So the advisory committee is
3 recommending that CISA focus on election-related
4 disinformation; right?

5 MR. GARDNER: Objection, lack of
6 foundation.

7 A. That's how I would read that
8 sentence, correct.

9 Q. Okay. Second bullet point says:
10 MD that undermines critical functions carried
11 out by other key democratic institutions, such
12 as the courts or by other sectors, such as the
13 financial system or public health measures;
14 right?

15 A. That's what it says, yep.

16 Q. You talked about the financial
17 system, earlier, and interestingly that's raised
18 in this recommendation. Are you aware of CISA
19 doing anything to address MD that undermines the
20 financial system?

21 A. So we've -- as I mentioned earlier,
22 we -- we're working with Treasury to develop a
23 product to help the financial services sector
24 understand MDM risks to the sector.

25 Q. What risks have there been to that

1 **sector? And I don't remember any runs on banks,**
2 **you know, recently, what risks?**

3 A. So again, as I mentioned earlier,
4 we're not the experts in financial services, so
5 we, you know, depend on the financial services
6 sector to kind of work us through, help us work
7 through what those risks are, we're pretty early
8 in the process, so we're still kind of working
9 through those sorts of questions.

10 Q. Do you know what, what was the
11 **impetus for doing that product in the first**
12 **place? Was someone worried about MDM that would**
13 **undermine financial services?**

14 A. I -- I don't -- I don't know why
15 Treasury reached out to us and discussed that, I
16 don't recall.

17 Q. Is that unrelated to the last
18 **e-mail we saw, where they wanted to talk to**
19 **social media platforms about social media and**
20 **influence matters?**

21 MR. GARDNER: Objection, calls for
22 speculation, lack of foundation.

23 A. Yeah, I don't know. I don't know
24 if the two are connected.

25 Q. Okay. The bottom of the same page,

1 there's a bullet recommending that CISA should
2 consider MD across the information ecosystem;
3 right?

4 A. Yep.

5 Q. And it goes down in the second
6 sub-bullet there, it says: CISA should approach
7 the MD problems with the entire information
8 ecosystem in mind, this includes social media
9 platforms of all sizes, mainstream media, cable
10 news, hyper partisan media, talk radio and other
11 online resources; do you see that?

12 A. I do.

13 Q. Has CISA been taking steps to
14 consider or address misinformation in these
15 other venues, besides social media, for example,
16 mainstream media?

17 A. No. What I would say is that,
18 generally speaking, we -- we -- I believe it's
19 generally too much of a focus on just the social
20 media platform, and MDM that kind of flows
21 through social media. When potentially it's MDM
22 that flows through all different sources of
23 media communication.

24 So that's kind of how we think
25 about it, we try not to just focus on MDM, but

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1 we don't do anything counter to your point.
2 Again, we built resilience helping people
3 understand what's going on and how to mitigate
4 the risks.

5 **Q. Do you try to build resilience to**
6 **MDM on -- in cable news?**

7 A. I mean, generically speaking, all
8 of our resilience activity would be useful
9 regardless of how -- we try to make it as broad
10 as possible so it's applicable anywhere that
11 somebody may come across MDM.

12 **Q. How about hyper partisan media,**
13 **what does that mean, do you know?**

14 MR. GARDNER: Objection, calls for
15 speculation.

16 A. I don't know what it's meant in
17 this context, but again, we try to be general
18 enough in our kind of guidance to help people
19 understand.

20 We're essentially agnostic of where
21 it's coming from, we just want people to be able
22 to understand where -- what it is, how it works,
23 and things they can do to mitigate those risks.

24 **Q. I take it, then, the MDM team would**
25 **agree with this recommendation that CISA should**

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1 **approach the MDM problem, you know, with a whole**
2 **information universe in mind, including**
3 **mainstream media, cable news, hyper partisan**
4 **media, talk radio, and other online resources?**

5 MR. GARDNER: Objection, form.

6 A. What I would say, from a
7 resilience-building standpoint, we generally
8 don't -- try not to hone too much on any one
9 particular medium for communication. There's
10 obviously tactics that fall across multiple, but
11 we don't generally try to hone in on any one in
12 particular.

13 (Exhibit No. 59 was marked for
14 identification.)

15 BY MR. SAUER:

16 Q. I'm pulling up Exhibit 59.

17 A. Okay.

18 Q. And then here's a cyber security
19 **advisory committee e-mail to a group, I assume**
20 **it's the committee members; does that look right**
21 **to you or do you not know?**

22 MR. GARDNER: Objection, lack of
23 foundation, calls for speculation.

24 A. Yeah, I don't -- I don't know who
25 all the members are, so it would be hard for me

1 to say if that's the case.

2 Q. Here's some people that are copied
3 on this e-mail from the CISA cyber security
4 advisory committee e-mail, the first one is Kate
5 Starbird; right?

6 A. Yeah.

7 Q. Do you know who she is?

8 A. She's a professor at the University
9 of Washington.

10 Q. She was involved in the Election
11 Integrity Partnership that we talked about
12 earlier; right?

13 A. I believe so, yeah.

14 Q. Next one is Vijaya Gadde or Gadde,
15 do you know who she is?

16 A. I don't know.

17 Q. Was she a senior official at
18 Twitter, at the time, do you know?

19 MR. GARDNER: Objection, calls for
20 speculation.

21 A. I don't know.

22 Q. I see you've got Kim Wyman and
23 Geoff Hale on this e-mail. They were the two
24 that you testified earlier are involved in the
25 cyber security advisory committee for CISA;

1 right?

2 A. Yep.

3 Q. And then lower down, there's a list
4 of -- we have identified a list of potential
5 subject matter experts to potentially brief at
6 our biweekly meetings, bios attached; do you see
7 that?

8 A. I do.

9 Q. So -- and that's a list of, I take
10 it, experts who would provide briefings at the
11 advisory committee's meetings; is that how you
12 read that?

13 MR. GARDNER: Objection, lack of
14 foundation, calls for speculation.

15 A. So the paragraph reads: Identify a
16 list of subject matter experts. Please be
17 prepared to provide your feedback. I'm sorry,
18 what was your question again?

19 Q. Let me just ask: Is the third
20 expert on the list is Renée DiResta; right?

21 A. Yeah.

22 Q. And she's at Stanford Internet
23 Observatory; right?

24 A. Correct.

25 Q. You were involved in conversations

1 **with her, because she was a part of the Election**
2 **Integrity Partnership; right?**

3 A. We should have Stanford Internet
4 Observatory, we were certainly involved in
5 conversations with her, as I talked about
6 earlier.

7 **Q. And those conversations were**
8 **related to the commencement of the Election**
9 **Integrity Partnership; right?**

10 A. I -- I don't know if she was
11 involved in the early conversations, before it
12 stood up. I know Stamos was there, I don't know
13 if Renée was there in those early conversations.

14 **Q. Was she in some conversations**
15 **between -- with you about the EIP?**

16 A. As I mentioned before, she briefed
17 us about the 2022 EIP work. I don't recall
18 conversations in 2020, but again, it wouldn't
19 surprise me if she was involved in those.

20 MR. SAUER: Let's go off the
21 record.

22 THE VIDEOGRAPHER: The time is now
23 5:46 p.m. We are off the record.

24 (Recess.)

25 THE VIDEOGRAPHER: The time is now

1 5:53 p.m. We're back on the record.

2 MR. SAUER: Are we back on the
3 record?

4 THE VIDEOGRAPHER: Yes.

5 MR. SAUER: Oh, sorry.

6 (Exhibit No. 19 was marked for
7 identification.)

8 BY MR. SAUER:

9 Q. Exhibit 19, I put it on the screen
10 share.

11 Here's a proposal from CIS, Center
12 For Internet Security, to create an election
13 misinformation reporting portal, and it talks
14 about the benefits to election officials being
15 in a single place for reporting mis and
16 disinformation across multiple social media
17 platforms.

18 Do you know if this proposal was
19 ever implemented to create a single election
20 misinformation reporting portal?

21 A. I -- I don't know. I'm not
22 entirely sure. I don't know that I've seen
23 this, I don't know if I've seen this proposal
24 before, so I'm not certain.

25 Q. So you don't know?

1 A. It sounds like what they were
2 trying to do, that we discussed earlier, but I
3 don't know to what extent it was, to your
4 question, to what extent it was stood up or
5 established.

6 Q. You don't know to what extent that
7 CIS managed to implement this proposal for an
8 elections misinformation reporting portal?

9 A. Yeah, or if they -- if they did it
10 at all.

11 (Exhibit No. 21 was marked for
12 identification.)

13 BY MR. SAUER:

14 Q. Exhibit 21, it's on the screen
15 share, this is a CNN political report, September
16 of 2022. If you go to the third -- fourth page
17 of the document, in this report it says: While
18 the anti-doxing and foreign influence parts of
19 the proposal remain stalled, work on the online,
20 quote, portal for election officials to flag
21 misinformation to social media platforms
22 predated the proposal and continues today,
23 according to people familiar with it.

24 So are you aware of ongoing work,
25 at least as of September of 2022, to set up an

1 online portal for election officials to flag
2 misinformation to social media platforms.

3 A. So I think as I testified to
4 earlier, my understanding is that CIS did do
5 something along the lines, I just don't know the
6 extent of it.

7 Q. And you don't know whether or when
8 it -- it might be completed?

9 A. Correct.

10 (Exhibit No. 24 was marked for
11 identification.)

12 BY MR. SAUER:

13 Q. Exhibit 24, here's a CISA bulletin
14 that's on your website called --

15 A. Mm-hmm.

16 Q. -- misinformation, you go to the
17 third page.

18 A. Correct.

19 Q. Are you familiar with this
20 bulletin?

21 A. Actually, I think this may be our
22 website. I'm not sure if it's a bulletin.

23 Q. It is on your website. I don't
24 know if it's a bulletin, either.

25 Let me ask you this: Here on the

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1 third page, it says: Bridging election
2 stakeholders and social media, and under there
3 it says: The MDM team serves as a switchboard
4 for routing disinformation concerns to
5 appropriate social media platforms and law
6 enforcement; correct.

7 A. It does, yep.

8 Q. You guys refer stuff to law
9 enforcement, too?

10 A. Yes, if there was -- particularly
11 if there was violence, promoted in whatever was
12 sent to us from an election official.

13 Q. Anything else involved that would
14 be reported to law enforcement, other than
15 threats of violence?

16 A. So we would generally share
17 whatever we received from the election officials
18 with the FBI, in case there was an ongoing
19 investigation related to whatever it was that we
20 forwarded to them.

21 Q. And is this still true, I mean,
22 it's on your website today, is it still true
23 that the MDM team serves as a switchboard for
24 routing disinformation concerns to appropriate
25 social media platforms?

1 A. No. Like I said earlier, we didn't
2 do this in 2022, so we should change that to
3 served. Thank you for finding that.

4 **Q. And I take it you -- you testified**
5 **earlier that that decision was made in late**
6 **April or early May of 2022?**

7 A. That's my recollection.

8 **Q. Do you know why the decision was**
9 **made?**

10 A. I don't, but as I also mentioned,
11 it was something that we were comfortable with,
12 from the MDM team perspective, because of heavy
13 burden on our resources.

14 **Q. You anticipate serving in a**
15 **switchboard in the future or do you not know**
16 **whether you will?**

17 A. That's not my decision to make,
18 so -- so I don't want to speak on behalf of the
19 director or future directors.

20 **Q. You don't know what the director's**
21 **plans are for the future when it comes to**
22 **serving as a switchboard for routing**
23 **disinformation concerns?**

24 A. I don't know what direct --
25 Director Easterly's position is, and obviously I

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1 wouldn't know any future director's position on
2 that, either.

3 (Exhibit No. 6 was marked for
4 identification.)

5 BY MR. SAUER:

6 Q. Exhibit 6?

7 A. Okay.

8 Q. Here's a public comments by Renée
9 DiResta about -- about the Election Integrity
10 Project. And let me put it on the screen share.

11 On the third page, call -- which is
12 called page 2 of the transcript, she talks -- or
13 sorry, it's quoting Alex Stamos, saying that the
14 EIP started with our team at Stanford sending a
15 group of interns to work with CISA; right? Do
16 you see that?

17 A. Yep.

18 Q. It talks about the sort of stuff we
19 talked about the gap earlier, about how there's
20 a lack of capability, about disinformation.

21 But Stamos says they lack a funding
22 and legal authorization to do the kinds of work
23 that will be necessary to truly understand how
24 election disinformation was operated; correct?

25 A. That's what he says, yep.

1 Q. And he goes on to say: Our
2 partners in government, most particularly those
3 in CISA and DHS, but also state and local
4 governments whom we worked with; correct?

5 A. He says that, yes.

6 Q. Were CISA and DHS partners of the
7 EIP, in your view?

8 A. We generally describe any external
9 organization that we have a relationship as a
10 partner. So I think that probably, you know --
11 so yeah.

12 Q. Okay. So in a sense that you were
13 a partner of the EIP, fair to say?

14 A. Again, we would say that of any
15 external entity that we have a relationship
16 with.

17 (Exhibit No. 7 was marked for
18 identification.)

19 BY MR. SAUER:

20 Q. On the screen share I put Exhibit
21 7, which is now public comments from Renée
22 DiResta from the EIP; do you see it up there?

23 A. Sorry, you are an on Exhibit 7?

24 Q. Yeah.

25 A. Yep.

1 Q. If you go to page 2 of the
2 transcript, which is page 4 of the PDF, and
3 it -- it quotes Renée DiResta, again, talking
4 about the students from Stanford doing an
5 internship at CISA and identifying a gap, right,
6 that was the word we used earlier?

7 A. Mm-hmm.

8 Q. It talks about how there was no
9 clear federal lead to coordinate, and it wasn't
10 prepared to identify it; correct?

11 A. I don't --

12 Q. It says that gap, the federal
13 government wasn't prepared to identify and
14 analyze election mis and disinfo; correct?

15 A. Correct. That's what she says,
16 yep.

17 Q. And she says there was no clear
18 federal lead to coordinate the work and so
19 forth?

20 A. Correct.

21 Q. And she says: There were unclear
22 legal authorities, including very clear first
23 amendment questions; right?

24 A. That's what she says.

25 Q. That's a reference to the federal

1 government taking the leadership role and
2 analyzing to respond to election mis and
3 disinformation; correct?

4 A. I'm not seeing that in here, is
5 that a sentence or are you asking me to --

6 Q. I'm just --

7 A. -- interpret what Renée is saying?

8 Q. Yeah, interpret, is that how you
9 read it? That's how I read it.

10 MR. GARDNER: I'm sorry, can you --
11 John, can you re-ask that question?

12 BY MR. SAUER:

13 Q. Let me ask you this: Were there
14 any discussions of -- that you're aware of,
15 relating to the EIP, that related to unclear
16 legal authorities, including very real first
17 amendment questions, when it comes to direct
18 involvement of the federal government?

19 A. I'm not aware, but, in general,
20 conversations about MDM, first amendment comes
21 up.

22 Q. Did it come up with the CISA
23 interns who originated the idea of the EIP?

24 A. I don't -- I don't recall that
25 being the nature of the conversation. I think

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1 it was really mostly around gaps for election
2 officials. But as you probably picked up, I
3 don't remember in detail the conversations that
4 well that long ago.

5 MR. SAUER: I think that's all the
6 questions I have.

7 MR. GARDNER: Well, the government
8 has no questions. We just, again, we emphasize
9 that the witness will read and sign.

10 THE VIDEOGRAPHER: This
11 concludes -- this concludes the deposition of
12 Brian Scully. The time is now 6:04 p.m. We are
13 off the record.

14 THE REPORTER: Mr. Sauer, when do
15 you need the transcript?

16 MR. SAUER: Could we have it
17 expedited within two days, that's -- Ben, I
18 think our standard request for these is two
19 business days?

20 MR. GARDNER: Yes.

21 THE REPORTER: And Mr. Gardner,
22 will you be purchasing a copy.

23 MR. GARDNER: Yes, ma'am, we'll be
24 purchasing a copy.

25 THE REPORTER: And you want the

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1 same delivery?

2 MR. GARDNER: Yes, ma'am.

3 THE REPORTER: Is it okay if I
4 e-mail you spelling questions on Monday?

5 MR. GARDNER: You have until
6 Tuesday, with the holiday.

7 (Signature having not been waived,
8 the deposition of BRIAN SCULLY was concluded at
9 6:04 p.m.)

10 ACKNOWLEDGMENT OF DEPONENT

11 I, BRIAN SCULLY, do hereby acknowledge
12 that I have read and examined the foregoing
13 testimony, and the same is a true, correct and
14 complete transcription of the testimony given by
15 me and any corrections appear on the attached
16 Errata sheet signed by me.

17

18

19 _____
(DATE)

(SIGNATURE)

20

21

22

23

24

25

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1 CERTIFICATE OF SHORTHAND REPORTER
2 I, Cassandra E. Ellis, Registered
3 Professional Reporter, the officer before whom the
4 foregoing proceedings were taken, do hereby
5 certify that the foregoing transcript is a true
6 and correct record of the proceedings; that said
7 proceedings were taken by me stenographically and
8 thereafter reduced to typewriting under my
9 supervision; and that I am neither counsel for,
10 related to, nor employed by any of the parties to
11 this case and have no interest, financial or
12 otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set
14 my hand this 17th day of January 2023.

15

16

17

Cassandra E. Ellis, CSR

18 CASSANDRA E. ELLIS, CSR-HI, CSR-VA, CCR-WA, RPR,

19 CRR

20 REALTIME SYSTEMS ADMINISTRATOR

21 NOTARY PUBLIC

22

23

24

25

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LEXITAS LEGAL

January 17, 2023

JOSHUA E. GARDNER, ESQUIRE
DEPARTMENT OF JUSTICE
1100 L STREET, NORTHWEST
WASHINGTON, D.C. 20530

IN RE: THE STATE OF MISSOURI, et al. v. JOSEPH R.
BIDEN, JR., et al.

Dear JOSHUA E. GARDNER:

Please find enclosed your copies of the deposition of
BRIAN J. SCULLY taken on January 12, 2023 in the
above-referenced case. Also enclosed is the original
signature page and errata sheets.

Please have the witness read your copy of the
transcript, indicate any changes and/or corrections
desired on the errata sheets, and sign the signature
page before a notary public.

Please return the errata sheets and notarized
signature page within 30 days to our office at 1608
Locust Street, Kansas City, MO 64108 for filing.

Sincerely,

Lexitas Legal

Enclosures

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1 ERRATA SHEET

2 Witness Name: BRIAN J. SCULLY

3 Case Name: THE STATE OF MISSOURI, et al. v. JOSEPH R.
BIDEN, JR., et al.

4 Date Taken: JANUARY 12, 2023

5 Page # _____ Line # _____

6 Should read: _____

7 Reason for change: _____

8

9 Page # _____ Line # _____

10 Should read: _____

11 Reason for change: _____

12

13 Page # _____ Line # _____

14 Should read: _____

15 Reason for change: _____

16

17 Page # _____ Line # _____

18 Should read: _____

19 Reason for change: _____

20

21 Page # _____ Line # _____

22 Should read: _____

23 Reason for change: _____

24

25 Witness Signature: _____

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1 STATE OF _____)

2

3 COUNTY OF _____)

4

5 I, BRIAN J. SCULLY, do hereby certify:

6 That I have read the foregoing deposition;

7 That I have made such changes in form

8 and/or substance to the within deposition as might

9 be necessary to render the same true and correct;

10 That having made such changes thereon, I

11 hereby subscribe my name to the deposition.

12 I declare under penalty of perjury that the

13 foregoing is true and correct.

14 Executed this _____ day of _____,

15 20____, at _____.

16

17

18

19

20 _____
BRIAN J. SCULLY

21

22

23 _____
NOTARY PUBLIC

24 My Commission Expires:

25

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